



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

House File 70 - Introduced

HOUSE FILE
BY HUNTER

A BILL FOR

1 An Act concerning the use of traffic=control signal monitoring
2 devices by local authorities, containing penalty provisions,
3 and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1769YH (1) 84
dea/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

House File 70 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.1, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 84A. "Traffic=control signal monitoring
1 4 device" means a device with one or more motor vehicle sensors
1 5 working in conjunction with an official traffic control signal
1 6 to produce recorded images of motor vehicles being operated
1 7 in disregard or disobedience to a circular red or red arrow
1 8 signal.
1 9 Sec. 2. NEW SECTION. 321.240 Use of traffic=control signal
1 10 monitoring devices.
1 11 1. A local authority shall not use a traffic=control signal
1 12 monitoring device unless all of the following conditions are
1 13 met:
1 14 a. The chief law enforcement officer employed by the
1 15 local authority requests, and the governing body of the local
1 16 authority adopts a resolution approving, the use of such
1 17 devices.
1 18 b. The local authority conducts a public hearing on the
1 19 proposed use of traffic=control signal monitoring devices prior
1 20 to entering into a contract for the use or purchase of such
1 21 devices.
1 22 c. The local authority obtains a permit from the department
1 23 pursuant to this section for the use of such devices.
1 24 2. a. The department shall adopt rules prescribing the
1 25 manner and procedure by which applications shall be made for
1 26 traffic=control signal monitoring device permits and the
1 27 information to be submitted by an applicant consistent with the
1 28 provisions of this section.
1 29 b. The department may deny an application or suspend or
1 30 revoke a permit for failure of a local authority to provide
1 31 requested information or documentation or for any other
1 32 violation of this section or rules adopted pursuant to this
1 33 section.
1 34 c. An application for a permit to operate one or more
1 35 traffic=control signal monitoring devices shall name each



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House File 70 - Introduced continued

2 1 intersection at which a device is to be used and provide
2 2 demonstrable evidence that there is a genuine safety need for
2 3 the use of such a device at each designated intersection. The
2 4 documented safety need shall be approved by the department in
2 5 accordance with nationally recognized safety standards. For
2 6 each designated intersection named in the application, the
2 7 local authority shall conduct a traffic engineering study to
2 8 determine whether, in addition to or as an alternative to the
2 9 traffic=control signal monitoring device, there are other
2 10 possible design or operational changes that would be likely
2 11 to reduce the number of accidents or red light violations at
2 12 the intersection. A report of the engineering study shall be
2 13 submitted with the application for a permit and for any request
2 14 to amend the permit to include an additional intersection.
2 15 d. When determining whether to issue a permit for the use of
2 16 a traffic=control signal monitoring device at an intersection,
2 17 the department shall only consider the safety value of using
2 18 such a device. The generation of revenue through the use of a
2 19 traffic=control signal monitoring device shall not be a factor
2 20 in the department's decision to issue a permit.
2 21 e. Within three months of receiving a properly completed
2 22 application from a local authority, the department shall either
2 23 issue a permit for the use of the requested traffic=control
2 24 signal monitoring device or notify the local authority of
2 25 the reason for denial of the application. An application
2 26 for amendment to an existing permit or an application for
2 27 reinstatement of a permit following suspension or revocation of
2 28 a permit shall also be processed within three months of receipt
2 29 of the application.
2 30 f. A permit issued by the department shall authorize
2 31 the use of a traffic=control signal monitoring device
2 32 only at intersections designated in the permit. A local
2 33 authority may apply to the department at any time to amend
2 34 an existing permit by adding a new intersection to the list
2 35 of authorized intersections for the use of a traffic=control



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House File 70 - Introduced continued

3 1 signal monitoring device. The application shall be considered
3 2 by the department in the same manner as an original permit
3 3 application.

3 4 g. A permit for the use of a traffic=control signal
3 5 monitoring device shall be reviewed by the department within
3 6 three years of the date of issuance, and every three years
3 7 thereafter, unless the permit is suspended or revoked by the
3 8 department.

3 9 h. The department may establish reasonable fees to
3 10 reimburse the department for the costs of issuing, amending,
3 11 and reviewing permits for the use of traffic=control signal
3 12 monitoring devices.

3 13 3. Compensation paid by a local authority to the
3 14 manufacturer or vendor of a traffic=control signal monitoring
3 15 device shall be based on the value of the equipment and shall
3 16 not be based on the number of citations issued or the revenue
3 17 generated by the device. A local authority that uses a
3 18 traffic=control signal monitoring device shall not use revenues
3 19 collected through the use of such device to compensate the
3 20 manufacturer or vendor of the device.

3 21 4. A law enforcement agency shall not issue a citation for
3 22 a violation based on evidence produced by a traffic=control
3 23 signal monitoring device unless the law enforcement agency
3 24 employs at least one full=time certified peace officer.

3 25 5. A traffic=control signal monitoring device shall not
3 26 be used to produce a photograph, microphotograph, electronic
3 27 image, or videotape showing the identity of any person in a
3 28 motor vehicle.

3 29 6. The department may inspect, at any time, a
3 30 traffic=control signal monitoring device and any records
3 31 pertaining to revenues collected from the use of such devices
3 32 by a local authority. A local authority shall cooperate with
3 33 the department in the inspection of traffic=control signal
3 34 monitoring devices and matters related to enforcement of the
3 35 provisions of this section.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House File 70 - Introduced continued

4 1 7. a. A local authority using traffic=control signal
4 2 monitoring devices shall submit to the department no later than
4 3 February 1 of each year a report on the use of the devices
4 4 during the preceding calendar year. The report shall include
4 5 all of the following:
4 6 (1) A description of the locations where traffic=control
4 7 signal monitoring devices were used.
4 8 (2) The number of violations recorded at each location and
4 9 in the aggregate on a monthly basis.
4 10 (3) The total number of citations issued based on evidence
4 11 produced by the traffic=control signal monitoring devices.
4 12 (4) The number of civil monetary penalties imposed and the
4 13 total amount of such penalties paid after citation without
4 14 contest.
4 15 (5) The number of violations adjudicated and the results of
4 16 such adjudications, including a breakdown of the dispositions.
4 17 (6) The total amount of civil monetary penalties
4 18 collected from citations issued based on evidence produced by
4 19 traffic=control signal monitoring devices.
4 20 (7) The quality of the adjudication process and its results.
4 21 b. A local authority that fails to provide the report
4 22 required under this subsection shall forward all revenues
4 23 generated from the operation of traffic=control signal
4 24 monitoring devices during the previous calendar year and in
4 25 the current year to the treasurer of state for deposit in
4 26 the general fund of the state. The local authority shall
4 27 not retain any revenue from the operation of traffic=control
4 28 signal monitoring devices until the annual report is filed and
4 29 accepted by the department.
4 30 c. Annually, by March 1, the department shall forward copies
4 31 of reports submitted under this subsection to the legislative
4 32 services agency along with a list of all locations in the state
4 33 where traffic=control signal monitoring devices are in use.
4 34 8. a. Complaints concerning the use of traffic=control
4 35 signal monitoring devices may be made to the department.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House File 70 - Introduced continued

5 1 The department may conduct an investigation in response to
5 2 a complaint. If the department finds as a result of the
5 3 investigation that a local authority is violating a provision
5 4 of this section or section 321.255 or 321.257 relating to
5 5 the use of a traffic=control signal monitoring device, the
5 6 department may take any action it deems necessary to prevent
5 7 any further violation including denial of an application for a
5 8 permit or suspension or revocation of a permit.
5 9 b. There shall be a rebuttable presumption that a local
5 10 authority is using a traffic=control signal monitoring device
5 11 for purposes other than the promotion of public safety if such
5 12 a device is used by the local authority without a permit issued
5 13 by the department or in violation of any provision of this
5 14 section or section 321.255 or 321.257 or rules adopted pursuant
5 15 to this section or section 321.255 or 321.257.
5 16 c. If the department determines that a local authority
5 17 is operating a traffic=control signal monitoring device in
5 18 a manner that violates this section or section 321.255 or
5 19 321.257, the department may order the local authority to
5 20 forward to the treasurer of state for deposit in the general
5 21 fund of the state the revenues generated by the device during
5 22 the time the violation occurred. The order shall continue
5 23 in effect until the violation is corrected, as determined by
5 24 the department. If a local authority fails to forward funds
5 25 pursuant to an order of the department, the local authority
5 26 shall be liable for interest owing on the funds and for any
5 27 costs, including reasonable attorney fees, incurred by the
5 28 state in the enforcement of the order. An action to enforce an
5 29 order under this paragraph shall be instituted by the attorney
5 30 general in the district court of Polk county.
5 31 9. a. Upon the issuance of an order denying an application
5 32 for or suspending or revoking a permit under this section,
5 33 the local authority shall be afforded a hearing before the
5 34 department to be held within thirty days of the effective date
5 35 of the order. The department shall have thirty days following



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

House File 70 - Introduced continued

6 1 the hearing in which to issue a written decision to continue to
6 2 deny, suspend, or revoke the permit, or to grant or reinstate
6 3 the permit.

6 4 b. A local authority whose application for a permit is
6 5 denied or whose permit is revoked shall not be eligible for a
6 6 permit to operate a traffic=control signal monitoring device
6 7 for three years following the denial or revocation.

6 8 10. The department may adopt rules it deems necessary for
6 9 the administration of this section.

6 10 Sec. 3. Section 321.255, Code 2011, is amended to read as
6 11 follows:

6 12 321.255 Local traffic=control devices.

6 13 1. Local authorities in their respective jurisdiction shall
6 14 place and maintain such traffic=control devices upon highways
6 15 under their jurisdiction as they may deem necessary to indicate
6 16 and to carry out the provisions of this chapter or local
6 17 traffic ordinances or to regulate, warn, or guide traffic. All
6 18 such traffic=control devices ~~hereafter~~ erected shall conform to
6 19 the state manual and specifications.

6 20 2. A local authority using traffic=control signal
6 21 monitoring devices shall erect a sign providing notice of
6 22 the use of such devices at that point on every highway which
6 23 intersects the jurisdictional limits of the local authority.
6 24 A sign shall also be erected by the local authority on each
6 25 road on the approach to the next official traffic=control
6 26 signal on that road where a traffic=control signal monitoring
6 27 device is in use, and at any other location as required by the
6 28 department.

6 29 Sec. 4. Section 321.257, Code 2011, is amended by adding the
6 30 following new subsection:

6 31 NEW SUBSECTION. 3. a. The timing of an official
6 32 traffic=control signal which is being monitored by a
6 33 traffic=control signal monitoring device shall conform to
6 34 standards established by the department by rule. The duration
6 35 of the yellow or red light of an official traffic=control



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House File 70 - Introduced continued

7 1 signal shall not be decreased prior to the installation of
7 2 a traffic=control signal monitoring device or during the
7 3 time in which the device is used. The department shall
7 4 establish minimum change intervals for yellow lights on
7 5 official traffic=control signals at intersections where
7 6 a traffic=control signal monitoring device is used. The
7 7 minimum change interval shall be established in accordance
7 8 with nationally recognized engineering standards, and the
7 9 established time shall exceed the recognized national standard
7 10 by at least one additional second.

7 11 b. A local authority using a traffic=control signal
7 12 monitoring device shall test the device for accuracy at regular
7 13 intervals and record and maintain the results of each test.
7 14 The test results shall be open for public inspection during
7 15 reasonable business hours. Each test shall be performed
7 16 according to the manufacturer's recommended procedure. A
7 17 device that does not meet the manufacturer's minimum accuracy
7 18 requirements shall be removed from service by the local
7 19 authority, and the device shall not be used again by the local
7 20 authority until the device has been serviced and calibrated
7 21 by a qualified technician. A law enforcement agency shall
7 22 immediately discontinue issuing citations based on evidence
7 23 produced by a traffic=control signal monitoring device that has
7 24 been removed from service pursuant to this paragraph.

7 25 Sec. 5. STATUS OF EXISTING TRAFFIC=CONTROL SIGNAL
7 26 MONITORING DEVICES. A local authority that is using a
7 27 traffic=control signal monitoring device on the effective date
7 28 of this Act may continue using the device without a permit
7 29 through December 31, 2012. A local authority shall discontinue
7 30 using an existing device on or before January 1, 2013, unless
7 31 the local authority obtains a permit pursuant to the provisions
7 32 of this Act on or before that date.

7 33 Sec. 6. EFFECTIVE DATE. This Act takes effect January 1,
7 34 2012.

7 35

EXPLANATION



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House File 70 - Introduced continued

8 1 This bill requires a local authority to obtain a permit from
8 2 the department of transportation to use traffic=control signal
8 3 monitoring devices.

8 4 A traffic=control signal monitoring device is a device that
8 5 works in conjunction with an official traffic control signal
8 6 to produce recorded images of motor vehicles being operated in
8 7 violation of a red traffic signal.

8 8 The bill requires that before a local authority can employ
8 9 the use of a traffic=control signal monitoring device, the
8 10 chief law enforcement officer employed by the local authority
8 11 must request the use of such devices and the governing body of
8 12 the local authority must adopt a resolution approving their
8 13 use. There must be a public hearing on the issue before the
8 14 local authority enters into a contract for the use or purchase
8 15 of traffic=control signal monitoring devices.

8 16 The department is required to adopt rules relating to
8 17 requirements for a permit and the permit application process.
8 18 The bill requires that an application for a permit must name
8 19 each intersection at which a traffic=control signal monitoring
8 20 device will be used and show that there is a need for a device
8 21 at each intersection. A report of an engineering study must
8 22 be submitted along with the application for a permit and any
8 23 subsequent application to amend the permit.

8 24 The bill specifies that the department's decision to issue
8 25 a permit shall be based solely on safety concerns, and must
8 26 not take into account any revenue to be derived by a local
8 27 authority from the use of a traffic=control signal monitoring
8 28 device. The department has three months in which to consider
8 29 an application and either issue a permit or notify the local
8 30 authority of the reason for denying the application. Once
8 31 granted, a permit is to undergo a departmental review every
8 32 three years. The department is authorized to establish
8 33 reasonable fees to cover its costs relating to the issuance and
8 34 review of permits.

8 35 The bill prohibits a local authority from compensating a



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House File 70 - Introduced continued

9 1 manufacturer or vendor of traffic=control signal monitoring
9 2 devices from funds from revenues collected through the use of
9 3 a device. Compensation is to be based on the value of the
9 4 equipment and not the number of citations issued or the revenue
9 5 generated by a device.

9 6 The bill prohibits a law enforcement agency from issuing
9 7 citations based on evidence obtained from a traffic=control
9 8 signal monitoring device unless the agency employs at least one
9 9 full-time certified peace officer.

9 10 The bill specifies that a traffic=control signal monitoring
9 11 device shall not be used to produce an image showing any person
9 12 in a motor vehicle.

9 13 A local authority is required to submit an annual report
9 14 to the department by February 1 containing information on
9 15 citations issued, the adjudication of violations, and penalties
9 16 collected from the use of traffic=control signal monitoring
9 17 devices. Failure to submit a report results in the forfeiture
9 18 of revenues generated by the local authority's traffic=control
9 19 signal monitoring devices during the preceding calendar year
9 20 and the current year.

9 21 The bill provides a mechanism for complaints regarding
9 22 traffic=control signal monitoring devices to be handled by the
9 23 department. If a local authority is found to be violating the
9 24 law regulating traffic=control signal monitoring devices, the
9 25 local authority may be ordered by the department to forfeit
9 26 revenues to the state that were generated during the time the
9 27 violation was occurring. The attorney general is directed to
9 28 enforce such an order in the district court of Polk county.

9 29 If the department denies an application for a permit or
9 30 suspends or revokes an existing permit, the local authority
9 31 is entitled to a hearing to be held within 30 days, and the
9 32 department has 30 days following the hearing in which to render
9 33 a written decision. A local authority whose permit is denied
9 34 or revoked is not eligible to apply for a permit for three
9 35 years.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House File 70 - Introduced continued

10 1 The bill requires a local authority using traffic=control
10 2 signal monitoring devices to post signs along all roads
10 3 intersecting its jurisdictional limits and on the approach to
10 4 each traffic=control signal monitoring device in use.
10 5 The bill contains requirements for the timing of official
10 6 traffic=control signals that are monitored by a traffic=control
10 7 signal monitoring device, and the bill establishes requirements
10 8 for the testing and calibration of the devices.
10 9 The bill takes effect January 1, 2012. A local authority
10 10 that is currently using a traffic=control signal monitoring
10 11 device has one year in which to obtain a permit for the device.
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

House File 71 - Introduced

HOUSE FILE
BY HUNTER

A BILL FOR

1 An Act relating to the compulsory school attendance age and
2 providing effective dates.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1727YH (5) 84
kh/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

House File 71 - Introduced continued

PAG LIN

1 1 Section 1. Section 299.1A, Code 2011, is amended to read as
1 2 follows:

1 3 299.1A Compulsory attendance age.

1 4 1. a. ~~A Except as provided in paragraph "b" and section~~
1 5 ~~299.2, a child who has reached the age of six and is under~~
1 6 ~~sixteen through seventeen years of age by September 15 is of~~
1 7 ~~compulsory attendance age. However, if a child enrolled in~~
1 8 ~~a school district or accredited nonpublic school reaches the~~
1 9 ~~age of sixteen on or after September 15, the child remains of~~
1 10 ~~compulsory age until the end of the regular school calendar.~~

1 11 b. A child who will receive competent private instruction
1 12 in accordance with chapter 299A and who reaches the age of
1 13 six by September 15 is of compulsory attendance age. A child
1 14 receiving such private instruction is of compulsory attendance
1 15 age until the age of sixteen if the child reaches age sixteen
1 16 on or before September 15. A child receiving such private
1 17 instruction who reaches age sixteen on or after September 15
1 18 remains of compulsory attendance age until the end of the
1 19 school year.

1 20 2. a. An individual who reaches the age of eighteen on
1 21 or after September 15 during the school year and intends to
1 22 terminate school enrollment prior to graduation is encouraged
1 23 to file with the board of directors of the school district
1 24 or the accredited nonpublic school of enrollment a formal
1 25 declaration of intent to terminate school enrollment and, to
1 26 the degree possible, participate in an exit interview pursuant
1 27 to paragraph "b" and complete a survey in accordance with
1 28 paragraph "c". The school district or accredited nonpublic
1 29 school shall make every effort to notify the individual's
1 30 parent or guardian of receipt of the individual's declaration
1 31 of intent to terminate school enrollment.

1 32 b. To the degree possible, a guidance counselor or
1 33 other school personnel designated by the school district or
1 34 accredited nonpublic school shall conduct an exit interview
1 35 with the individual to do all of the following:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

House File 71 - Introduced continued

2 1 (1) Determine the reasons for the individual's decision to
2 2 terminate school enrollment.

2 3 (2) Discuss actions that could be taken to assist the
2 4 individual to stay in school.

2 5 (3) Inform the individual of opportunities to continue the
2 6 individual's education in a different environment, including
2 7 but not limited to adult education and test preparation
2 8 designed to qualify the individual for a high school
2 9 equivalency diploma.

2 10 c. To the degree possible, the individual and the
2 11 individual's parent or guardian are encouraged to complete a
2 12 survey provided by the school district in a format prescribed
2 13 by the department of education to provide data on the
2 14 individual's reasons for terminating enrollment and actions
2 15 taken by the school to keep the individual enrolled. The
2 16 survey shall include an open-ended question asking why the
2 17 individual is dropping out of school. The school district or
2 18 accredited nonpublic school shall submit the data from the
2 19 completed surveys to the department of education annually.

2 20 Sec. 2. Section 299.2, unnumbered paragraph 1, Code 2011,
2 21 is amended to read as follows:

2 22 ~~Section~~ Sections 299.1 and 299.1A shall not apply to any
2 23 child:

2 24 Sec. 3. Section 299A.8, Code 2011, is amended to read as
2 25 follows:

2 26 299A.8 Dual enrollment.

2 27 If a parent, guardian, or legal custodian of a child who is
2 28 receiving competent private instruction under this chapter ~~or a~~
~~2 29 child over compulsory age who is receiving private instruction~~
2 30 submits a request, the child shall also be registered in a
2 31 public school for dual enrollment purposes. If the child
2 32 is enrolled in a public school district for dual enrollment
2 33 purposes, the child shall be permitted to participate in any
2 34 academic activities in the district and shall also be permitted
2 35 to participate on the same basis as public school children in



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House File 71 - Introduced continued

3 1 any extracurricular activities available to children in the
3 2 child's grade or group, and the parent, guardian, or legal
3 3 custodian shall not be required to pay the costs of any annual
3 4 evaluation under this chapter. If the child is enrolled for
3 5 dual enrollment purposes, the child shall be included in the
3 6 public school's basic enrollment under section 257.6. A pupil
3 7 who is participating only in extracurricular activities shall
3 8 be counted under section 257.6, subsection 1, paragraph "a",
3 9 subparagraph (6). A pupil enrolled in grades nine through
3 10 twelve under this section shall be counted in the same manner
3 11 as a shared-time pupil under section 257.6, subsection 1,
3 12 paragraph "a", subparagraph (3).
3 13 Sec. 4. SCHOOL DISTRICT COMPULSORY ATTENDANCE SUPPORT
3 14 REVIEW. The board of directors of each school district
3 15 shall, during the school year beginning July 1, 2011, convene
3 16 a working group comprised of educational and community
3 17 stakeholders to review financial and programmatic supports for
3 18 students affected by an increase in the compulsory attendance
3 19 age from sixteen through seventeen. The working group shall
3 20 consider, at a minimum, the necessity of expansion of support
3 21 programs and services for such students, web-based at-risk
3 22 academy courses, summer school offerings, credit recovery
3 23 efforts, mentoring and tutoring services, before and after
3 24 school supports, career academies, and at-risk allowable growth
3 25 provisions, and the use of the instructional support levy.
3 26 The working group shall include in the comprehensive school
3 27 improvement plan submitted to the department of education
3 28 in accordance with section 256.7, subsection 21, a plan for
3 29 addressing the needs of students at risk of dropping out,
3 30 including any proposed changes to the local program or funding
3 31 priorities.
3 32 Sec. 5. COMPULSORY ATTENDANCE WORKING GROUP. The
3 33 department of education shall convene a working group
3 34 comprised of the director of the department of education, or
3 35 the director's designee, and other education stakeholders



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House File 71 - Introduced continued

4 1 appointed by the department to review supports for students
4 2 affected by an increase in the compulsory attendance age from
4 3 sixteen to eighteen years of age. The working group shall
4 4 consider, at a minimum, the necessity of expansion of support
4 5 programs and services for such students, online at-risk academy
4 6 courses, career academies, and current at-risk allowable
4 7 growth provisions, and full funding of the instructional
4 8 support levy. The working group shall submit its findings
4 9 and recommendations, including any proposed changes in policy
4 10 or statute, to the state board of education and the general
4 11 assembly by January 16, 2012.

4 12 Sec. 6. STATE MANDATE FUNDING SPECIFIED. In accordance
4 13 with section 25B.2, subsection 3, the state cost of requiring
4 14 compliance with any state mandate included in this Act shall
4 15 be paid by a school district from state school foundation aid
4 16 received by the school district under section 257.16. This
4 17 specification of the payment of the state cost shall be deemed
4 18 to meet all the state funding-related requirements of section
4 19 25B.2, subsection 3, and no additional state funding shall
4 20 be necessary for the full implementation of this Act by and
4 21 enforcement of this Act against all affected school districts.

4 22 Sec. 7. EFFECTIVE DATE. The section of this Act providing
4 23 for a compulsory attendance working group takes effect July 1,
4 24 2011, and the remainder of the Act takes effect July 1, 2012.

4 25 EXPLANATION

4 26 This bill raises the compulsory school attendance age from
4 27 16 to 17 for students other than those receiving competent
4 28 private instruction. The bill encourages students, other than
4 29 those who received competent private instruction, who reach
4 30 age 18 on or after September 15 and intend to leave school, to
4 31 file with the school district or accredited nonpublic school
4 32 a formal declaration of intent to terminate school enrollment
4 33 and, to the degree possible, participate in an exit interview
4 34 and complete a survey that will provide data annually to the
4 35 department of education regarding the reasons students are



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House File 71 - Introduced continued

5 1 terminating enrollment.

5 2 The school district or nonpublic school must make every
5 3 effort to notify the individual's parent or guardian of a
5 4 student's intent to terminate enrollment. To the degree
5 5 possible, in conducting the exit interview, school personnel
5 6 must determine the reasons for the individual's decision to
5 7 terminate school enrollment, discuss actions that could be
5 8 taken to assist the individual to stay in school, and inform
5 9 the individual of opportunities to continue the individual's
5 10 education in a different environment, including but not limited
5 11 to adult education and test preparation designed to qualify the
5 12 individual for a high school equivalency diploma. The survey
5 13 must include an open-ended question asking why the student is
5 14 dropping out.

5 15 The bill directs each school district to convene a working
5 16 group during the 2011=2012 school year to review financial and
5 17 programmatic supports for students affected by the increase
5 18 in the compulsory age of attendance. The working group
5 19 must include in the school district's comprehensive school
5 20 improvement plan a plan for addressing the needs of students
5 21 at risk of dropping out.

5 22 The bill also directs the department of education to convene
5 23 a compulsory attendance working group. The working group
5 24 is to review supports for affected students and to consider
5 25 the necessity of expanding support programs and services,
5 26 online at-risk academy courses, career academies, current
5 27 at-risk allowable growth provisions, and full funding of the
5 28 instructional support levy. The working group must submit a
5 29 report to the general assembly and the department of education
5 30 by January 16, 2012.

5 31 The bill includes technical amendments to eliminate a
5 32 reference to the compulsory attendance age for purposes of dual
5 33 enrollment and to exempt children who meet conditions existing
5 34 in Code section 299.2.

5 35 The provision relating to the compulsory attendance working



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House File 71 - Introduced continued

6 1 group takes effect July 1, 2011, while the remainder of the
6 2 bill takes effect July 1, 2012.
6 3 The bill may include a state mandate as defined in Code
6 4 section 25B.3. The bill requires that the state cost of
6 5 any state mandate included in the bill be paid by a school
6 6 district from state school foundation aid received by the
6 7 school district under Code section 257.16. The specification
6 8 is deemed to constitute state compliance with any state mandate
6 9 funding-related requirements of Code section 25B.2. The
6 10 inclusion of this specification is intended to reinstate the
6 11 requirement of political subdivisions to comply with any state
6 12 mandates included in the bill.

LSB 1727YH (5) 84

kh/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

House File 72 - Introduced

HOUSE FILE
BY HUNTER

A BILL FOR

1 An Act relating to mandatory disclosures in certain political
2 telephone communications, and applying a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1742HH (3) 84
jr/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

House File 72 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 68A.507 Disclosures related to
1 2 political telephone communications ==== legislative findings ====
1 3 definitions.
1 4 1. For the purposes of this section, unless the context
1 5 otherwise requires:
1 6 a. "Legitimate poll" means a telephone communication
1 7 conducted by a polling firm for the purpose of a scientific
1 8 poll of respondents in order to gauge public opinion concerning
1 9 a candidate, public office holder, or ballot issue that is part
1 10 of a series of like telephone communications that utilizes a
1 11 scientific sampling technique to produce a random sample of
1 12 respondents.
1 13 b. "Political telemarketing" means the canvassing of persons
1 14 under the guise of performing a legitimate poll, with the
1 15 purpose of encouraging support of, or opposition to, a clearly
1 16 identified candidate for public office or the passage or defeat
1 17 of a clearly identified ballot issue.
1 18 2. The general assembly finds that political telephone
1 19 communication is increasingly used in political campaigns in
1 20 this state in a deceptive manner, including but not limited
1 21 to the use of political telemarketing, also known as push=
1 22 polling, where an anonymous telephone communication is
1 23 designed to appear as a legitimate poll, but is in fact used
1 24 to communicate certain negative information related to a
1 25 candidate or ballot issue. The general assembly declares that
1 26 a compelling public interest exists to identify the source of
1 27 funding of telephone communications related to elections in
1 28 order to prevent corruption and deceit at the expense of the
1 29 electorate and to preserve accountability for expenditures made
1 30 in connection with political campaigns.
1 31 3. A candidate, an authorized representative of a
1 32 candidate, a candidate's committee, or a political committee
1 33 that engages either in a telephone communication for the
1 34 purpose of soliciting contributions or in a telephone
1 35 communication that has the effect of promoting or opposing the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House File 72 - Introduced continued

2 1 nomination or election of a candidate for public office or the
2 2 passage of a ballot issue shall disclose all of the following
2 3 by the end of the telephone communication:
2 4 a. The identity of the individual who is communicating and
2 5 the entity with which the individual is affiliated, if any.
2 6 b. The individual or entity that paid for the telephone
2 7 communication. If a candidate's committee or political
2 8 committee has paid for or authorized the telephone
2 9 communication, the name of the candidate's committee or
2 10 political committee shall be disclosed. If any person other
2 11 than a candidate's committee or political committee has
2 12 paid for or authorized the telephone communication, the
2 13 communication shall also state whether or not the communication
2 14 has been authorized by the candidate intended to benefit from
2 15 the communication and shall state whether the communication is
2 16 an independent expenditure.
2 17 c. The name, telephone number, and address of an individual
2 18 whom the communication recipient can contact for further
2 19 information regarding the telephone communication.
2 20 4. An individual who, on behalf of, at the direction of,
2 21 or in cooperation with a political committee, engages either
2 22 in a telephone communication for the purpose of soliciting
2 23 contributions or in a telephone communication that has the
2 24 effect of promoting or opposing the nomination or election of a
2 25 candidate for public office or the passage of a ballot issue
2 26 shall disclose all of the following at the commencement of the
2 27 telephone communication:
2 28 a. The identity of the individual who is communicating and
2 29 the entity with which the individual is affiliated, if any.
2 30 b. The individual or entity that paid for the telephone
2 31 communication. If a political committee has paid for or
2 32 authorized the telephone communication, the name of the
2 33 political committee shall be disclosed. If any person
2 34 other than the candidate, a candidate's committee, or a
2 35 political committee has paid for or authorized the telephone



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House File 72 - Introduced continued

3 1 communication, the communication shall also state whether or
3 2 not the communication has been authorized by the candidate
3 3 intended to benefit from the communication.
3 4 c. The name, telephone number, and address of an individual
3 5 whom the communication recipient can contact for further
3 6 information regarding the telephone communication.
3 7 5. The board shall adopt rules pursuant to chapter 17A
3 8 establishing procedures to administer this section.

3 9 EXPLANATION

3 10 This bill creates new Code section 68A.507 that requires
3 11 the disclosure of certain information at the commencement
3 12 of or by the end of political telephone communications that
3 13 solicit contributions or that have the effect of promoting or
3 14 opposing a candidate or ballot issue. The caller must disclose
3 15 the name and affiliation of the caller, the name of the
3 16 individual or entity that paid for the telephone communication,
3 17 whether a candidate who will benefit from the communication
3 18 has authorized the communication, and the name, address, and
3 19 telephone number of an individual whom the person can contact
3 20 for further information regarding the communication.

3 21 Violations of this provision are punishable under Code
3 22 section 68A.701 as a serious misdemeanor, which carries a
3 23 penalty of a fine of \$315 to \$1,875, and may also include a
3 24 sentence of up to one year in jail.

3 25 The bill also contains definitions of "legitimate poll"
3 26 and "political telemarketing", and contains a statement of
3 27 legislative findings regarding political telemarketing and
3 28 push=polling as described in the bill.

LSB 1742HH (3) 84

jr/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

House File 73 - Introduced

HOUSE FILE
BY HUNTER

A BILL FOR

1 An Act providing for fair share agreements relating to
2 collective bargaining and including effective date
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1730YH (2) 84
je/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

House File 73 - Introduced continued

PAG LIN

1 1 Section 1. Section 20.3, Code 2011, is amended by adding the
1 2 following new subsection:

1 3 NEW SUBSECTION. 4A. "Fair share fee" means the amount
1 4 charged to an employee in a bargaining unit who is not a member
1 5 of the employee organization certified by the board as the
1 6 exclusive bargaining representative for the public employees
1 7 in that bargaining unit, to cover the costs incurred by the
1 8 employee organization on behalf of the employee for collective
1 9 bargaining, contract administration, the adjustment of
1 10 grievances, and the pursuit of other matters affecting wages,
1 11 hours, and other conditions of employment.

1 12 Sec. 2. Section 20.8, subsection 4, Code 2011, is amended
1 13 to read as follows:

1 14 4. Refuse to join or participate in the activities of
1 15 employee organizations, including the payment of any dues, fees
1 16 or assessments or service fees of any type, except as provided
1 17 in section 20.9A.

1 18 Sec. 3. Section 20.9, unnumbered paragraph 1, Code 2011, is
1 19 amended to read as follows:

1 20 The public employer and the employee organization shall meet
1 21 at reasonable times, including meetings reasonably in advance
1 22 of the public employer's budget-making process, to negotiate in
1 23 good faith with respect to wages, hours, vacations, insurance,
1 24 holidays, leaves of absence, shift differentials, overtime
1 25 compensation, supplemental pay, seniority, transfer procedures,
1 26 job classifications, health and safety matters, evaluation
1 27 procedures, procedures for staff reduction, in-service training
1 28 and other matters mutually agreed upon. Negotiations shall
1 29 also include whether a fair share fee shall be charged to
1 30 nonmembers of the employee organization, terms authorizing
1 31 dues checkoff for members of the employee organization and
1 32 grievance procedures for resolving any questions arising under
1 33 the agreement, which shall be embodied in a written agreement
1 34 and signed by the parties. If an agreement provides for dues
1 35 checkoff, a member's dues may be checked off only upon the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

House File 73 - Introduced continued

2 1 member's written request and the member may terminate the dues
2 2 checkoff at any time by giving thirty days' written notice.
2 3 Such obligation to negotiate in good faith does not compel
2 4 either party to agree to a proposal or make a concession.
2 5 Sec. 4. NEW SECTION. 20.9A Fair share fee procedures.
2 6 1. When a collective bargaining agreement between a public
2 7 employer and a certified employee organization, which provides
2 8 that a fair share fee shall be charged to nonmembers of the
2 9 employee organization, is reached by ratification of the
2 10 agreement or by issuance of an arbitration award under section
2 11 20.22, the public employer shall, within ten days of the date
2 12 the agreement is reached, provide the employee organization
2 13 with a list of the names and addresses of all employees in the
2 14 bargaining unit represented by the employee organization. If a
2 15 collective bargaining agreement providing for fair share fees
2 16 has a term of more than one year, the list shall be provided by
2 17 the public employer annually, not later than thirty days prior
2 18 to the commencement of the next full year of the contract's
2 19 term.
2 20 2. a. Following receipt by the employee organization of
2 21 a list of employees pursuant to subsection 1, the employee
2 22 organization shall provide the public employer with the name
2 23 of each nonmember of the employee organization and the amount
2 24 of the fair share fee. In addition, the employee organization
2 25 shall provide the labor commissioner with the amount of the
2 26 fair share fee and any supporting documentation utilized in
2 27 determining the amount of the fair share fee. Commencing on
2 28 the effective date of the collective bargaining agreement which
2 29 provides for a fair share fee or the public employer's receipt
2 30 of the names and amounts from the employee organization,
2 31 whichever occurs later, the public employer shall deduct once
2 32 each month from the wages or salaries of each nonmember the
2 33 amount of the fair share fee specified for that nonmember by
2 34 the employee organization and transmit the amounts deducted
2 35 to the employee organization within fourteen days of the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House File 73 - Introduced continued

3 1 deduction. If a collective bargaining agreement includes a
3 2 retroactive effective date, the public employer shall make
3 3 deductions for fair share fees prospectively only.
3 4 b. For purposes of determining the fair share fee, the
3 5 amount of the fair share fee shall not exceed the regular
3 6 membership dues paid by members of the employee organization
3 7 and shall not include any share of the costs incurred by the
3 8 employee organization for fraternal, ideological, political, or
3 9 other activities not germane to collective bargaining, contract
3 10 administration, the adjustment of grievances, or the pursuit
3 11 of other matters affecting wages, hours, and other conditions
3 12 of employment. Costs that shall be excluded from the fair
3 13 share fee include but are not limited to costs for social
3 14 events; lobbying on issues or for purposes other than the
3 15 negotiation, ratification, or implementation of a collective
3 16 bargaining agreement; voter registration training; efforts to
3 17 increase voting; political campaign techniques; supporting or
3 18 contributing to charitable organizations; and supporting or
3 19 contributing to religious or other ideological causes.
3 20 3. As a precondition to the collection of a fair share fee,
3 21 the employee organization shall establish and maintain a full
3 22 and fair procedure that conforms with the requirements of the
3 23 Constitution of the United States and the Constitution of the
3 24 State of Iowa and all of the following:
3 25 a. Provides nonmembers of the employee organization with
3 26 an annual notice which informs them of the amount of the
3 27 fair share fee to be charged, provides them with sufficient
3 28 information to gauge the propriety of that amount, and informs
3 29 them of the procedure by which a nonmember may challenge that
3 30 amount.
3 31 b. Permits challenges by nonmembers to the amount of the
3 32 fair share fee.
3 33 c. Provides for the consolidation of all timely challenges
3 34 and for an impartial hearing, before an arbitrator appointed by
3 35 the American arbitration association pursuant to its rules for



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

House File 73 - Introduced continued

4 1 impartial determination of union fees, conducted in accordance
4 2 with those rules and paid for by the employee organization.

4 3 d. Provides that the burden of proof relating to the
4 4 propriety of the amount of the fair share fee is on the
4 5 employee organization.

4 6 e. Provides that all fair share fees reasonably in dispute
4 7 while a challenge is pending shall be held by the employee
4 8 organization in an interest-bearing escrow account until a
4 9 final decision is issued by the arbitrator, at which time such
4 10 funds shall be disbursed in accordance with the arbitrator's
4 11 decision.

4 12 4. The employee organization shall notify the public
4 13 employer of any arbitrator's award issued pursuant to the
4 14 challenge procedure specified in subsection 3 which reduced the
4 15 amount of a fair share fee and the public employer shall adjust
4 16 its deduction from the wages or salaries of the challenging
4 17 nonmembers accordingly.

4 18 5. This section shall be enforced through an action in a
4 19 court of competent jurisdiction.

4 20 Sec. 5. Section 731.3, Code 2011, is amended to read as
4 21 follows:

4 22 731.3 Contracts to exclude unlawful.

4 23 ~~It~~ Except as provided in sections 20.8, 20.9A, and 731.4A,
4 24 it shall be unlawful for any person, firm, association,
4 25 corporation or labor organization to enter into any
4 26 understanding, contract, or agreement, whether written or
4 27 oral, to exclude from employment members of a labor union,
4 28 organization or association, or persons who do not belong
4 29 to, or who refuse to join, a labor union, organization or
4 30 association, or because of resignation or withdrawal therefrom.

4 31 Sec. 6. Section 731.4, Code 2011, is amended to read as
4 32 follows:

4 33 731.4 Union dues as prerequisite to employment === prohibited.

4 34 ~~It~~ Except as provided in sections 20.8, 20.9A, and 731.4A,
4 35 it shall be unlawful for any person, firm, association, labor



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House File 73 - Introduced continued

5 1 organization or corporation, or political subdivision, either
5 2 directly or indirectly, or in any manner or by any means as a
5 3 prerequisite to or a condition of employment to require any
5 4 person to pay dues, charges, fees, contributions, fines or
5 5 assessments to any labor union, labor association or labor
5 6 organization.

5 7 Sec. 7. NEW SECTION. 731.4A Fair share fee agreements.

5 8 A labor union, labor association, labor organization, or
5 9 employee organization, which is the certified or recognized
5 10 exclusive representative for collective bargaining under
5 11 applicable federal law, may enter into an agreement with the
5 12 employer of the employees it is certified or recognized to
5 13 represent in collective bargaining that, as a condition of
5 14 continued employment, requires employees, after thirty days
5 15 of employment, either to become a member of the certified or
5 16 recognized labor union, labor association, labor organization,
5 17 or employee organization, or to pay a fair share fee to the
5 18 extent permitted by the Constitution of the United States, the
5 19 Constitution of the State of Iowa, and federal law. Nothing in
5 20 this section shall be deemed to require an employee to become a
5 21 member of a labor union, labor association, labor organization,
5 22 or employee organization. In addition, the requirements of
5 23 a fair share agreement shall not apply to an employee whose
5 24 initial date of employment with the employer occurs on a date
5 25 when a fair share fee agreement as authorized by this section
5 26 is not in effect.

5 27 Sec. 8. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
5 28 immediate importance, takes effect upon enactment.

5 29 EXPLANATION

5 30 This bill authorizes the negotiating of fair share fees in
5 31 collective bargaining agreements.

5 32 Code chapter 20, concerning collective bargaining for public
5 33 employees, is amended to authorize fair share fees.

5 34 Code section 20.9 is amended to provide that the scope of
5 35 negotiations for purposes of a collective bargaining agreement



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House File 73 - Introduced continued

6 1 includes negotiating whether a fair share fee shall be charged
6 2 to nonmembers of an employee organization.
6 3 New Code section 20.9A establishes the procedures to follow
6 4 if a fair share fee is included in a collective bargaining
6 5 agreement. The new Code section provides that once an
6 6 agreement is ratified or an arbitration award is issued that
6 7 includes a fair share fee, the public employer shall, within
6 8 10 days, provide the employee organization with a list of
6 9 employees covered by the agreement. If the agreement has a
6 10 term of more than one year, the employer shall provide the list
6 11 on an annual basis. Once the employee organization receives
6 12 the list, the employee organization shall provide the employer
6 13 with a list of each nonmember of the employee organization and
6 14 the amount of the fair share fee. The employee organization
6 15 shall also inform the labor commissioner of the amount of the
6 16 fair share fee and how it was determined. The bill provides
6 17 that the fee shall not exceed the regular membership dues
6 18 paid by members and shall not include costs of the employee
6 19 organization that are not germane for collective bargaining,
6 20 contract administration, the adjustment of grievances, and
6 21 the pursuit of other matters affecting wages, hours, and
6 22 other conditions of employment. The bill provides that the
6 23 public employer shall begin deducting the fair share fee
6 24 from nonmembers upon the later of the effective date of the
6 25 collective bargaining agreement or the date the public employer
6 26 receives the list of nonmembers and the amount of the fair
6 27 share fee. The bill provides that no retroactive deductions
6 28 for fair share fees are allowed.
6 29 The bill also establishes several additional conditions for
6 30 the collection of a fair share fee from public employees. The
6 31 bill provides that nonmembers be given an annual notice of the
6 32 amount of the fair share fee and their rights as to challenging
6 33 the amount. The bill also provides that nonmembers shall be
6 34 permitted to challenge the amount of the fair share fee at
6 35 an impartial hearing before an arbitrator appointed by the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House File 73 - Introduced continued

7 1 American arbitration association. The bill provides that the
7 2 employee organization has the burden of proof relating to the
7 3 amount of the fee to be charged. The bill provides that the
7 4 employee organization shall notify the public employer of any
7 5 arbitrator's award and the public employer shall adjust the
7 6 deduction from wages of the nonmembers who challenged the fair
7 7 share fee amount. The bill provides that the requirements of
7 8 this new Code section shall be enforced in a court of competent
7 9 jurisdiction.

7 10 Code chapter 731, concerning labor union membership, is
7 11 also amended to authorize fair share agreements. New Code
7 12 section 731.4A provides that a labor union, certified as the
7 13 bargaining representative of a private sector employer under
7 14 federal law, may enter into an agreement with an employer that,
7 15 as a condition of continued employment, requires employees whom
7 16 the union is certified to represent to become a member of the
7 17 labor union or to pay a fair share fee to the extent permitted
7 18 by the United States Constitution, the Iowa Constitution, and
7 19 applicable federal law. The new Code section provides that
7 20 nothing in this Code section shall be deemed to require an
7 21 employee to become a member of a labor union and also provides
7 22 that the requirement to pay a fair share fee shall not apply to
7 23 an employee whose initial date of employment occurred on a date
7 24 when a fair share agreement was not in effect.

7 25 The bill takes effect upon enactment.

LSB 1730YH (2) 84

je/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

House File 74 - Introduced

HOUSE FILE
BY CHAMBERS

A BILL FOR

1 An Act eliminating the healthy kids Act.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1498YH (2) 84
pf/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

House File 74 - Introduced continued

PAG LIN

1 1 Section 1. Section 256.7, subsection 29, Code 2011, is
1 2 amended by striking the subsection.
1 3 Sec. 2. Section 256.9, subsections 55 and 56, Code 2011, are
1 4 amended by striking the subsections.
1 5 Sec. 3. Section 256.11, subsection 6, paragraph a, Code
1 6 2011, is amended to read as follows:
1 7 a. A pupil is not required to enroll in either physical
1 8 education or health courses, ~~or meet the requirements of~~
~~1 9 paragraph "b" or "c",~~ if the pupil's parent or guardian files a
1 10 written statement with the school principal that the course ~~or~~
~~1 11 activity~~ conflicts with the pupil's religious belief.
1 12 Sec. 4. Section 256.11, subsection 6, paragraphs b and c,
1 13 Code 2011, are amended by striking the paragraphs.
1 14 Sec. 5. Section 273.2, subsection 7, Code 2011, is amended
1 15 by striking the subsection.
1 16 EXPLANATION
1 17 This bill eliminates the healthy kids Act. The bill
1 18 eliminates the directive to the state board of education to
1 19 adopt rules establishing nutritional content standards for
1 20 foods and beverages sold or provided on the school grounds
1 21 of any school district or accredited nonpublic school during
1 22 the school day with the exceptions of the food provided by any
1 23 federal school food program or through an agreement with an
1 24 agency of the federal government, foods sold for fund-raising
1 25 purposes, and foods and beverages sold at concession stands.
1 26 The bill also eliminates the directive to the director of
1 27 the department of education to convene a nutrition advisory
1 28 panel to review research in pediatric nutrition and submit
1 29 findings and recommendations to be considered when establishing
1 30 or amending the nutritional content standards for foods and
1 31 beverages sold or provided in the schools. The bill eliminates
1 32 the directive to the director of the department of education to
1 33 monitor school districts and accredited nonpublic schools for
1 34 compliance with the nutritional content standards; eliminates
1 35 the provisions requiring minimum specified physical activity



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House File 74 - Introduced continued

2 1 for students and requiring completion of a certification course
2 2 for cardiopulmonary resuscitation; and eliminates the provision
2 3 directing boards of area education agencies to contract with
2 4 licensed dietitians for the support of nutritional provisions
2 5 in individual education plans and to provide information to
2 6 support school nutrition coordinators.

LSB 1498YH (2) 84

pf/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

House File 75 - Introduced

HOUSE FILE
BY CHAMBERS

A BILL FOR

1 An Act exempting the sales price for the use of self-pay
2 washers and dryers from the sales tax.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1105YH (2) 84
tw/sc



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House File 75 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.3, Code 2011, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 96. The sales price for the use of a
1 4 self=pay washer or dryer.

1 5 EXPLANATION

1 6 This bill exempts the sales price for the use of self=pay
1 7 washers and dryers from the sales tax.

1 8 By operation of Code section 423.6, an item exempt from the
1 9 imposition of the sales tax is also exempt from the use tax
1 10 imposed in Code section 423.5.

LSB 1105YH (2) 84

tw/sc



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House File 76 - Introduced

HOUSE FILE

BY ALONS, CHAMBERS,
SODERBERG, DE BOEF,
SWEENEY, WATTS,
KOESTER, HAGENOW,
HUSEMAN, LUKAN, DRAKE,
RAYHONS, COWNIE,
GRASSLEY, BYRNES,
PAUSTIAN, PEARSON,
MASSIE, BALTIMORE,
HEIN, BRANDENBURG,
DEYOE, HELLAND,
UPMEYER, SCHULTE, J.
TAYLOR, and PETTENGILL

A BILL FOR

- 1 An Act relating to state employee overtime pay.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLNB 1121YH (8) 84
aw/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

House File 76 - Introduced continued

PAG LIN

1 1 Section 1. Section 8.6, subsection 9, paragraph i, Code
1 2 2011, is amended by adding the following new subparagraph:
1 3 NEW SUBPARAGRAPH. (07) The amount of overtime pay reported
1 4 by any agency or department under section 70A.1, subsection 8A,
1 5 for the last completed fiscal year.

1 6 Sec. 2. Section 70A.1, Code 2011, is amended by adding the
1 7 following new subsection:

1 8 NEW SUBSECTION. 8A. A state employer shall not permit
1 9 an employee eligible to receive payment for overtime work to
1 10 work hours that would allow the employee to accumulate annual
1 11 overtime pay greater than twenty-five percent of the employee's
1 12 gross annualized salary. However, agency or department
1 13 directors may apply to the department of management to exceed
1 14 this limit. An agency or department may also exceed this
1 15 limit for overtime work related to a catastrophic or natural
1 16 disaster, other disaster, or emergency, but shall be required
1 17 to provide a report on the necessary overtime to the department
1 18 of management.

1 19 EXPLANATION

1 20 This bill provides a limitation on the amount of work hours
1 21 a state employee, covered by the overtime pay requirements of
1 22 the federal Fair Labor Standards Act, may work so that the
1 23 employee may only receive overtime pay up to 25 percent of the
1 24 employee's gross annualized salary.

1 25 The bill allows for an agency or department to apply for a
1 26 waiver of this rule through the department of management. The
1 27 bill also allows for an agency or department to exceed this
1 28 cap in the event of a disaster or emergency, provided that
1 29 the agency or department report the necessary overtime to the
1 30 department of management.

1 31 The bill also requires that the department of management
1 32 include within its budget report a statement on any overtime
1 33 exceeding this cap as a result of either a waiver, disaster,
1 34 or emergency.

LSB 1121YH (8) 84

aw/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

House File 77 - Introduced

HOUSE FILE

BY J. TAYLOR, WINDSCHITL,
SODERBERG, ROGERS,
COWNIE, GRASSLEY,
BAUDLER, SWEENEY,
BYRNES, PAUSTIAN, S.
OLSON, SANDS, KOESTER,
KAUFMANN, VAN
ENGELLENHOVEN, RAECKER,
L. MILLER, PETTENGILL,
RAYHONS, LOFGREN,
ALONS, HUSEMAN,
CHAMBERS, PEARSON,
HANUSA, DE BOEF,
FORRISTALL, JORGENSEN,
GARRETT, and WATTS

A BILL FOR

1 An Act relating to school district dress code policies and
2 including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1373YH (7) 84
kh/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

House File 77 - Introduced continued

PAG LIN

1 1 Section 1. Section 279.58, subsection 1, Code 2011, is
1 2 amended by striking the subsection.
1 3 Sec. 2. Section 279.58, subsection 2, Code 2011, is amended
1 4 to read as follows:
1 5 2. The board of directors of a school district may adopt,
1 6 for the district or for an individual school within the
1 7 district, a dress code policy that ~~prohibits students from~~
~~1 8 wearing gang-related or other specific apparel~~ prescribes
1 9 standard dress or uniforms, or that otherwise imposes
1 10 limitations on student dress without limiting a student's
1 11 constitutional rights and privileges, if the board determines
1 12 that the policy ~~is necessary for~~ would improve the health,
1 13 safety, or positive educational environment of students
1 14 and staff in the school environment or for the appropriate
1 15 discipline and operation of the school.
1 16 3. Adoption and enforcement of a dress code policy pursuant
1 17 to this section is not a violation of section 280.22.

1 18 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 19 immediate importance, takes effect upon enactment.

1 20 EXPLANATION

1 21 This bill authorizes a school district to adopt, for the
1 22 school district or for an individual school, a dress code
1 23 policy that prescribes standard dress or uniforms, or otherwise
1 24 imposes limitations on student dress without limiting a
1 25 student's constitutional rights and privileges, if the board
1 26 of directors of the school district determines that the policy
1 27 would improve the health, safety, or positive educational
1 28 environment of students and staff in the school.

1 29 Currently, a school district is authorized to adopt a dress
1 30 code policy that prohibits students from wearing gang-related
1 31 or other specific apparel.

1 32 The bill takes effect upon enactment.

LSB 1373YH (7) 84

kh/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

House File 78 - Introduced

HOUSE FILE

BY J. SMITH, ANDERSON,
GRASSLEY, WORTHAN,
BYRNES, BRANDENBURG,
STECKMAN, ISENHART,
WITTNEBEN, and DE BOEF

(COMPANION TO lsb
1078ss by johnson)

A BILL FOR

1 An Act providing for a .08 blood alcohol limit for motorboat or
2 sailboat operating while intoxicated offenses.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1078HH (4) 84
rh/nh



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House File 78 - Introduced continued

PAG LIN

1 1 Section 1. Section 462A.14, subsection 1, paragraph b, Code
1 2 2011, is amended to read as follows:

1 3 b. While having an alcohol concentration of ~~.10~~ .08 or more.

1 4 EXPLANATION

1 5 This bill lowers the current .10 blood alcohol limit for
1 6 motorboat or sailboat operating while intoxicated offenses to
1 7 .08.

LSB 1078HH (4) 84

rh/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

House Joint Resolution 7 - Introduced

HOUSE JOINT RESOLUTION
BY HUNTER

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa relating to civil marriage.
3 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1762HH (2) 84
pf/rj



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House Joint Resolution 7 - Introduced continued

PAG LIN

1 1 Section 1. The following amendment to the Constitution of
1 2 the State of Iowa is proposed:
1 3 Article I of the Constitution of the State of Iowa is amended
1 4 by adding the following new section:
1 5 Civil marriage.SEC. 26. The state and its political
1 6 subdivisions shall make no law prohibiting the act of civil
1 7 marriage or denying the benefits of civil marriage to any
1 8 individual capable of entering into a civil contract, based
1 9 on the race, creed, color, sex, sexual orientation, gender
1 10 identity, national origin, religion, or disability of either
1 11 party entering into a civil marriage.
1 12 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed
1 13 amendment to the Constitution of the State of Iowa is referred
1 14 to the general assembly to be chosen at the next general
1 15 election for members of the general assembly, and the secretary
1 16 of state is directed to cause the proposed amendment to be
1 17 published for three consecutive months previous to the date of
1 18 that election as provided by law.

1 19 EXPLANATION

1 20 This joint resolution proposes an amendment to the
1 21 Constitution of the State of Iowa relating to civil marriage
1 22 and providing that the state and its political subdivisions
1 23 shall make no law prohibiting the act of civil marriage or
1 24 denying the benefits of civil marriage to any individual
1 25 capable of entering into a civil contract, based on the
1 26 race, creed, color, sex, sexual orientation, gender identity,
1 27 national origin, religion, or disability of either party
1 28 entering into a civil marriage. The resolution, if adopted,
1 29 would be referred to the next general assembly for adoption
1 30 before being submitted to the electorate for ratification.

LSB 1762HH (2) 84

pf/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

House Joint Resolution 8 - Introduced

HOUSE JOINT RESOLUTION
BY HUNTER

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa relating to the boundary lines of
3 counties.
4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1744HH (2) 84
md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

House Joint Resolution 8 - Introduced continued

PAG LIN

1 1 Section 1. The following amendment to the Constitution of
1 2 the State of Iowa is proposed:
1 3 1. Section 30 of Article III of the Constitution of the
1 4 State of Iowa is repealed and the following adopted in lieu
1 5 thereof:
1 6 Local or special laws ==== general and uniform.SEC. 30. The
1 7 general assembly shall not pass local or special laws in the
1 8 following cases:
1 9 For the assessment and collection of taxes for state,
1 10 county, or road purposes;
1 11 For laying out, opening, and working roads or highways;
1 12 For changing the names of persons;
1 13 For the incorporation of cities and towns;
1 14 For vacating roads, town plats, streets, alleys, or public
1 15 squares;
1 16 For locating or changing county seats.
1 17 In all the cases above enumerated, and in all other cases
1 18 where a general law can be made applicable, all laws shall be
1 19 general, and of uniform operation throughout the state.
1 20 2. Section 2 of Article XI of the Constitution of the State
1 21 of Iowa is repealed and the following adopted in lieu thereof:
1 22 Counties.SEC. 2. On or before July 1, 2017, the general
1 23 assembly shall by law reduce the aggregate number of the
1 24 several counties to not more than fifty unless the aggregate
1 25 number of counties has otherwise been reduced to not more
1 26 than fifty prior to July 1, 2017. Such reduction shall be
1 27 accomplished by the merger, in whole or in part, of presently
1 28 existing counties. Newly created counties shall be composed of
1 29 contiguous territory and shall be reasonably compact.
1 30 The general assembly shall by law name the counties created
1 31 hereunder and shall by law select the place for the seat of the
1 32 county government for each newly created county. The general
1 33 assembly may by law provide such newly created counties with
1 34 authority to create such offices of county government within a
1 35 county as a county deems reasonable and necessary.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House Joint Resolution 8 - Introduced continued

2 1 In the event the general assembly fails to reduce the number
2 2 of counties, select a county seat of government for each newly
2 3 created county, and name each newly created county as required
2 4 herein by July 1, 2017, the chief justice of the supreme court
2 5 shall do so or cause to have the same done.
2 6 After the reduction in the number of counties has been
2 7 effectuated as herein required, the number or boundaries of
2 8 such newly created counties shall not thereafter be changed.
2 9 The general assembly shall enact all laws necessary to
2 10 effectuate this section.
2 11 3. Section 8 of Article XI of the Constitution of the State
2 12 of Iowa is repealed and the following adopted in lieu thereof:
2 13 Seat of government established ==== state university.SEC.
2 14 8. The seat of government is hereby permanently established,
2 15 as now fixed by law, at the city of Des Moines; and the state
2 16 university, at Iowa City.
2 17 Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment
2 18 to the Constitution of the State of Iowa is referred to the
2 19 general assembly to be chosen at the next general election
2 20 for members of the general assembly, and the secretary of
2 21 state is directed to cause the same to be published for three
2 22 consecutive months previous to the date of that election as
2 23 provided by law.
2 24 EXPLANATION
2 25 This joint resolution proposes an amendment to the
2 26 Constitution of the State of Iowa relating to the boundary
2 27 lines of counties. The joint resolution proposes new section
2 28 2 of Article XI, requiring the general assembly to reduce the
2 29 aggregate number of counties to not more than 50 by statute on
2 30 or before July 1, 2017, unless the aggregate number of counties
2 31 has otherwise been reduced to not more than 50 prior to July
2 32 1, 2017. The joint resolution allows such reduction to be
2 33 accomplished by the merger in whole or in part of presently
2 34 existing counties. Newly created counties, however, must be
2 35 composed of contiguous territory and be reasonably compact.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House Joint Resolution 8 - Introduced continued

3 1 The joint resolution requires the general assembly to name
3 2 each new county created and to select the place for the seat of
3 3 the county government for each new county created. The joint
3 4 resolution allows the general assembly to authorize the newly
3 5 created counties to create offices of county government as a
3 6 county deems reasonable and necessary. The joint resolution
3 7 requires the general assembly to enact all laws necessary to
3 8 effectuate new section 2 of Article XI of the Constitution of
3 9 the State of Iowa.

3 10 The joint resolution provides that in the event the general
3 11 assembly fails to reduce the number of counties, select a
3 12 county seat of government for each newly created county,
3 13 or name each newly created county as required, the chief
3 14 justice of the supreme court is required to do so. The joint
3 15 resolution also provides that after the reduction in the number
3 16 of counties has been effectuated, the number and boundaries of
3 17 such newly created counties may not be changed.

3 18 The joint resolution repeals provisions requiring any law
3 19 that changes boundary lines of a county to first be approved
3 20 at a general election by the people of the counties affected
3 21 by the change.

3 22 The joint resolution proposes a corresponding amendment to
3 23 section 8 of Article XI of the Constitution of the State of
3 24 Iowa, which establishes the city of Des Moines in Polk county
3 25 as the seat of government and establishes the state university
3 26 at Iowa City in Johnson county, by removing the references to
3 27 Polk county and Johnson county.

3 28 The resolution, if adopted, would be referred to the next
3 29 general assembly (Eighty=fifth) for adoption before being
3 30 submitted to the electorate for ratification.

LSB 1744HH (2) 84

md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

House Study Bill 19

HOUSE FILE
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON BAUDLER)

A BILL FOR

1 An Act concerning state preemption of firearms, firearm
2 accessories, and ammunition regulation by political
3 subdivisions and providing a remedy.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1865HC (4) 84
rh/rj



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House Study Bill 19 continued

PAG LIN

1 1 Section 1. Section 724.28, Code 2011, is amended by striking
1 2 the section and inserting in lieu thereof the following:
1 3 724.28 State preemption === prohibition of firearms, firearm
1 4 accessories, and ammunition regulation by political subdivisions.
1 5 1. The purpose of this section is to establish complete
1 6 state control over firearms, firearm accessories, and
1 7 ammunition regulation and policy in order to ensure that such
1 8 regulation and policy is applied uniformly throughout this
1 9 state to each person subject to the state's jurisdiction and to
1 10 ensure protection of the right to keep and bear arms recognized
1 11 by the Constitution of the United States. This section is to
1 12 be liberally construed to effectuate its purpose.
1 13 2. As used in this section:
1 14 a. "Ammunition" means fixed cartridge ammunition, shotgun
1 15 shells, the individual components of fixed cartridge ammunition
1 16 and shotgun shells, projectiles for muzzleloading firearms, and
1 17 any propellant used in firearms or in firearms ammunition.
1 18 b. "Firearm accessory" means a device specifically adapted
1 19 to enable the wearing or carrying about one's person, or the
1 20 storage or mounting in or on a conveyance, of a firearm, or
1 21 an attachment or device specifically adapted to be inserted
1 22 into or affixed onto a firearm to enable, alter, or improve the
1 23 functioning or capabilities of the firearm.
1 24 c. "Firearms" means a pistol, revolver, rifle, shotgun,
1 25 machine gun, submachine gun, or black powder weapon which is
1 26 designed to, capable of, or may be readily converted to expel a
1 27 projectile by the action of an explosive.
1 28 d. "Person adversely affected" means a person who meets all
1 29 of the following criteria:
1 30 (1) Lawfully resides within the United States.
1 31 (2) Can legally possess a firearm under the laws of this
1 32 state.
1 33 (3) Either of the following:
1 34 (a) Would be subject to the ordinance, measure, enactment,
1 35 rule, resolution, motion, or policy at issue if the person were



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House Study Bill 19 continued

2 1 present within the jurisdictional boundaries of the enacting
2 2 political subdivision, regardless of whether such person works
2 3 or resides in such political subdivision.
2 4 (b) Is a membership organization that includes as a member a
2 5 person described in subparagraphs (1) and (2) and subparagraph
2 6 division (a) of this subparagraph and that is dedicated in
2 7 whole or in part to protecting the rights of those persons
2 8 who possess, own, or use firearms for competitive, sporting,
2 9 defensive, or other lawful purposes.
2 10 e. "Political subdivision" means a county, city, township,
2 11 school district, or any other subunit of this state.
2 12 3. Except as otherwise provided in this section, the
2 13 regulation of all of the following is hereby declared to be the
2 14 exclusive domain of the state:
2 15 a. Firearms, firearm accessories, and ammunition.
2 16 b. The ownership, possession, use, discharge, carrying,
2 17 transportation, registration, transfer, and storage of
2 18 firearms, firearm accessories, and ammunition.
2 19 c. Commerce in and taxation of firearms, firearm
2 20 accessories, and ammunition.
2 21 d. Any other matter pertaining to firearms, firearm
2 22 accessories, and ammunition.
2 23 4. An ordinance, measure, enactment, rule, resolution,
2 24 motion, or policy adopted by a political subdivision of this
2 25 state, or an official action taken by an employee or agent of
2 26 such political subdivision, existing on or after April 5, 2011,
2 27 in violation of this section, is void.
2 28 5. This section shall not be construed to prevent any of the
2 29 following:
2 30 a. A duly organized law enforcement agency of a political
2 31 subdivision from promulgating and enforcing rules pertaining to
2 32 firearms, firearm accessories, or ammunition issued to or used
2 33 by peace officers in the course of their official duties.
2 34 b. An employer from regulating or prohibiting an employee
2 35 from carrying firearms, firearm accessories, or ammunition



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House Study Bill 19 continued

3 1 during and in the course of the employee's official duties.
3 2 c. A court or administrative law judge from hearing and
3 3 resolving a case or controversy or issuing an opinion or order
3 4 on a matter within its jurisdiction.
3 5 d. The enactment or enforcement of a generally applicable
3 6 zoning or business ordinance that includes firearms businesses
3 7 along with other businesses, provided that an ordinance
3 8 designed or enforced to effectively restrict or prohibit the
3 9 sale, purchase, transfer, manufacture, or display of firearms,
3 10 firearm accessories, or ammunition otherwise lawful under the
3 11 laws of this state, which is in conflict with this section, is
3 12 void.
3 13 6. a. A person adversely affected by an ordinance, measure,
3 14 enactment, rule, resolution, motion, or policy promulgated or
3 15 enforced in violation of this section may file suit in the
3 16 appropriate court for declarative and injunctive relief and
3 17 for all actual and consequential damages attributable to the
3 18 violation. A court shall award the prevailing plaintiff in any
3 19 such suit all of the following:
3 20 (1) Reasonable attorney fees.
3 21 (2) Liquidated damages equal to the amount of three times
3 22 the attorney fees awarded in subparagraph (1).
3 23 (3) Litigation costs.
3 24 (4) Interest on the amounts awarded pursuant to this
3 25 subsection shall accrue at fifteen percent from the date suit
3 26 is filed.
3 27 b. Payment of such fees, damages, costs, and interest may
3 28 be secured by seizure of any vehicles used or operated for
3 29 the benefit of any elected office holder in the political
3 30 subdivision if not paid within seventy-two hours of the court's
3 31 order.

3 32 EXPLANATION

3 33 Current Code section 724.28 prohibits a political
3 34 subdivision of the state from enacting an ordinance
3 35 restricting the ownership, possession, legal transfer, lawful



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House Study Bill 19 continued

4 1 transportation, registration, or licensing of firearms when the
4 2 ownership, possession, transfer, or transportation is otherwise
4 3 lawful under state law.

4 4 This bill strikes this Code section and provides that the
4 5 regulation of firearms, firearm accessories, and ammunition
4 6 is declared to be the exclusive domain of the state. The
4 7 bill provides that an ordinance, measure, enactment, rule,
4 8 resolution, motion, or policy of a political subdivision of
4 9 this state, or an official action of an employee or agent of
4 10 such political subdivision, existing on or after April 5, 2011,
4 11 in violation of the bill, is void.

4 12 The bill shall not be construed to prevent a law enforcement
4 13 agency of a political subdivision from promulgating and
4 14 enforcing rules pertaining to firearms, firearm accessories,
4 15 or ammunition issued to or used by peace officers in the
4 16 course of their official duties; an employer from regulating
4 17 or prohibiting an employee from carrying firearms, firearm
4 18 accessories, or ammunition during and in the course of the
4 19 employee's official duties; a court or administrative law judge
4 20 from hearing and resolving a case or controversy or issuing
4 21 an opinion or order on a matter within its jurisdiction;
4 22 and enacting or enforcing a generally applicable zoning or
4 23 business ordinance that includes firearms businesses along
4 24 with other businesses, provided that an ordinance which is
4 25 designed or enforced to effectively restrict or prohibit the
4 26 sale, purchase, transfer, manufacture, or display of firearms,
4 27 firearm accessories, or ammunition otherwise lawful under the
4 28 laws of this state, which is in conflict with the bill, is
4 29 void.

4 30 The bill provides that a person adversely affected by an
4 31 ordinance, measure, enactment, rule, resolution, motion,
4 32 or policy promulgated or enforced in violation of the bill
4 33 may file suit in the appropriate court for declarative and
4 34 injunctive relief and for all actual and consequential
4 35 damages attributable to the violation and may, if successful,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House Study Bill 19 continued

- 5 1 be awarded reasonable attorney fees, liquidated damages,
- 5 2 litigation costs, and interest.

LSB 1865HC (4) 84

rh/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

House Study Bill 20

HOUSE FILE
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON BAUDLER)

A BILL FOR

1 An Act relating to the carrying of weapons and providing a
2 penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1174YC (5) 84
rh/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

House Study Bill 20 continued

PAG LIN

1 1 Section 1. Section 708.8, Code 2011, is amended to read as
1 2 follows:

1 3 708.8 ~~Going armed~~ Carrying with intent.

1 4 A person who ~~goes armed with~~ carries any dangerous weapon
1 5 with the intent to use without justification such weapon
1 6 against ~~the person of~~ another commits a class "D" felony.

1 7 Sec. 2. Section 724.4, Code 2011, is amended to read as
1 8 follows:

1 9 724.4 Carrying weapons.

1 10 1. Except as otherwise provided in this section, a person
1 11 who ~~goes armed with~~ carries a dangerous weapon ~~concealed on~~
1 12 or about the person, ~~or who, within the limits of any city,~~
~~1 13 goes armed with a pistol or revolver, or any loaded firearm of~~
~~1 14 any kind, whether concealed or not, or who knowingly carries~~
~~1 15 or transports in a vehicle a pistol or revolver, or who has~~
1 16 a dangerous weapon within the person's immediate access or
1 17 reach while in a vehicle, with the intent to use the dangerous
1 18 weapon in an unlawful manner against another person commits an
1 19 aggravated misdemeanor. The mere carrying or possession of a
1 20 dangerous weapon shall not give rise to an inference that the
1 21 person intended to use the dangerous weapon unlawfully against
1 22 another person.

1 23 2. A person who ~~goes armed with~~ carries a knife concealed
1 24 on or about the person, if the person uses the knife in the
1 25 commission of a crime, commits an aggravated misdemeanor.

1 26 3. A person who ~~goes armed with~~ carries a knife concealed
1 27 on or about the person, if the person is not in violation of
1 28 subsection 1 and does not use the knife in the commission of a
1 29 crime, commits one of the following offenses:

1 30 a. If the knife has a blade exceeding eight inches in
1 31 length, commits an aggravated misdemeanor.

1 32 b. If the knife has a blade exceeding five inches but
1 33 not exceeding eight inches in length, commits a serious
1 34 misdemeanor.

1 35 4. Subsections 1 through 3 do not apply to any of the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

House Study Bill 20 continued

2 1 following:

2 2 a. A person who ~~goes armed with a dangerous weapon~~ carries a
2 3 knife in the person's own dwelling or place of business, or on
2 4 land owned or possessed by the person.

2 5 b. A peace officer, when the officer's duties require the
2 6 person to carry such weapons.

2 7 c. A member of the armed forces of the United States or
2 8 of the national guard or person in the service of the United
2 9 States, when the weapons are carried in connection with the
2 10 person's duties as such.

2 11 d. A correctional officer, when the officer's duties
2 12 require, serving under the authority of the Iowa department of
2 13 corrections.

2 14 ~~e. A person who for any lawful purpose carries an unloaded~~
2 15 ~~pistol, revolver, or other dangerous weapon inside a closed and~~
2 16 ~~fastened container or securely wrapped package which is too~~
2 17 ~~large to be concealed on the person.~~

2 18 ~~f. A person who for any lawful purpose carries or transports~~
2 19 ~~an unloaded pistol or revolver in a vehicle inside a closed~~
2 20 ~~and fastened container or securely wrapped package which is~~
2 21 ~~too large to be concealed on the person or inside a cargo~~
2 22 ~~or luggage compartment where the pistol or revolver will not~~
2 23 ~~be readily accessible to any person riding in the vehicle or~~
2 24 ~~common carrier.~~

2 25 ~~g. e.~~ e. A person while the person is lawfully engaged in
2 26 target practice ~~on a range designed for that purpose or while~~
2 27 ~~actually engaged in lawful hunting.~~

2 28 ~~h. f.~~ f. A person who carries a knife used in hunting or
2 29 fishing, while actually engaged in lawful hunting or fishing.

2 30 ~~i. A person who has in the person's possession and who~~
2 31 ~~displays to a peace officer on demand a valid permit to carry~~
2 32 ~~weapons which has been issued to the person, and whose conduct~~
2 33 ~~is within the limits of that permit. A person shall not be~~
2 34 ~~convicted of a violation of this section if the person produces~~
2 35 ~~at the person's trial a permit to carry weapons which was valid~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

~~House Study Bill 20 continued~~

~~3 1 at the time of the alleged offense and which would have brought~~
~~3 2 the person's conduct within this exception if the permit had~~
~~3 3 been produced at the time of the alleged offense.~~
3 4 ~~j.~~ g. A law enforcement officer from another state when the
3 5 officer's duties require the officer to carry the weapon and
3 6 the officer is in this state for any of the following reasons:
3 7 (1) The extradition or other lawful removal of a prisoner
3 8 from this state.
3 9 (2) Pursuit of a suspect in compliance with chapter 806.
3 10 (3) Activities in the capacity of a law enforcement officer
3 11 with the knowledge and consent of the chief of police of the
3 12 city or the sheriff of the county in which the activities occur
3 13 or of the commissioner of public safety.
3 14 ~~k.~~ h. A person engaged in the business of transporting
3 15 prisoners under a contract with the Iowa department of
3 16 corrections or a county sheriff, a similar agency from another
3 17 state, or the federal government.
3 18 Sec. 3. Section 724.4B, Code 2011, is amended to read as
3 19 follows:
3 20 724.4B Carrying weapons on school grounds ==== penalty ====
3 21 exceptions.
3 22 1. A person who ~~goes armed with,~~ carries, or transports a
3 23 firearm of any kind, whether concealed or not, on the grounds
3 24 of a school commits a class "D" felony. For the purposes of
3 25 this section, "school" means a public or nonpublic school as
3 26 defined in section 280.2.
3 27 2. Subsection 1 does not apply to the following:
3 28 a. A person listed under section 724.4, subsection 4,
3 29 paragraphs "b" through ~~"f" or "j"~~ "d" and "g".
3 30 b. A person who has been specifically authorized by the
3 31 school to ~~go armed,~~ carry, or transport a firearm on the school
3 32 grounds, including for purposes of conducting an instructional
3 33 program regarding firearms.
3 34 Sec. 4. Section 724.4C, Code 2011, is amended to read as
3 35 follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

House Study Bill 20 continued

4 1 724.4C Possession or carrying of ~~firearms~~ dangerous weapons
4 2 while under the influence.

4 3 1. A permit issued under this chapter is invalid if the
4 4 person to whom the permit is issued is who carries a dangerous
4 5 weapon on or about the person while in an intoxicated condition
4 6 as provided in section 321J.2, subsection 1 commits a simple
4 7 misdemeanor.

4 8 2. This section shall not apply to any of the following:

4 9 a. A person who carries or possesses a dangerous weapon
4 10 while in the person's own dwelling or place of business or on
4 11 land owned or lawfully possessed by the person.

4 12 b. The transitory possession or use of a dangerous weapon
4 13 during an act committed in self-defense or in defense of
4 14 another person if legally justified or excused, provided that
4 15 the possession or use of the dangerous weapon lasts no longer
4 16 than is immediately necessary to resolve the emergency.

4 17 Sec. 5. REPEAL. Section 724.5, Code 2011, is repealed.

4 18 EXPLANATION

4 19 This bill relates to the carrying of weapons and provides a
4 20 penalty.

4 21 Current law provides that a person who goes armed with a
4 22 dangerous weapon concealed on or about the person, or who,
4 23 within the limits of any city, goes armed with a pistol or
4 24 revolver, or any loaded firearm of any kind, whether concealed
4 25 or not, or who knowingly carries or transports in a vehicle a
4 26 pistol or revolver, commits an aggravated misdemeanor unless
4 27 certain circumstances apply including if the person has in the
4 28 person's possession a valid permit to carry weapons. The bill
4 29 eliminates this provision and provides that except for other
4 30 lawful purposes provided in the bill, a person who carries a
4 31 dangerous weapon on or about the person or who has a dangerous
4 32 weapon within the person's immediate access or reach while in
4 33 a vehicle, with the intent to use the dangerous weapon in an
4 34 unlawful manner against another person, commits an aggravated
4 35 misdemeanor. The mere carrying or possession of a dangerous



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House Study Bill 20 continued

5 1 weapon shall not give rise to an inference that the person
5 2 intended to use the dangerous weapon unlawfully against another
5 3 person. A dangerous weapon is defined as any instrument or
5 4 device designed primarily for use in inflicting death or
5 5 injury upon a human being or animal, and which is capable of
5 6 inflicting death upon a human being when used in the manner
5 7 for which it was designed, except for a bow and arrow used for
5 8 hunting or any other lawful purpose (Code section 702.7).
5 9 The bill generally makes conforming changes to the phrase
5 10 "goes armed with" relating to dangerous weapons and knives to
5 11 "carries". The bill also makes conforming changes to Code
5 12 section 724.4B relating to the carrying of weapons and firearms
5 13 on school grounds.
5 14 The bill eliminates a provision invalidating a person's
5 15 permit to carry weapons if the person is intoxicated.
5 16 The bill provides that a person who carries a dangerous
5 17 weapon while the person is in an intoxicated condition commits
5 18 a simple misdemeanor punishable by confinement for no more than
5 19 30 days or a fine of at least \$65 but not more than \$625 or by
5 20 both. This criminal penalty does not apply to a person who
5 21 carries or possesses a dangerous weapon while in the person's
5 22 own dwelling or place of business or on land owned or lawfully
5 23 possessed by the person or to the transitory possession or use
5 24 of a dangerous weapon during an act committed in self-defense
5 25 or in defense of another person if legally justified or
5 26 excused, provided that the possession or use of the dangerous
5 27 weapon lasts no longer than is immediately necessary to resolve
5 28 the emergency.
5 29 The bill repeals Code section 724.5 relating to a person's
5 30 duty to carry a weapons permit if the person goes armed with a
5 31 revolver, pistol, or pocket billy concealed upon the person,
5 32 currently a simple misdemeanor.

LSB 1174YC (5) 84

rh/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

House Study Bill 21

HOUSE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON COWNIE)

A BILL FOR

1 An Act concerning penalties for sale of alcohol to minors by
2 alcohol beverage licensees and permittees and providing for
3 an alcohol compliance employee training program.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1860HC (6) 84
rn/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

House Study Bill 21 continued

PAG LIN

1 1 Section 1. Section 123.50, subsection 3, paragraphs b
1 2 through d, Code 2011, are amended to read as follows:

1 3 b. A second violation within two years shall subject the
1 4 licensee or permittee to either a thirty-day suspension and
~~1 5 or a civil penalty in the amount of one thousand five hundred~~
1 6 dollars. The licensee or permittee may select the penalty to
1 7 be applied under this paragraph.

1 8 c. A third violation within three years shall subject the
1 9 licensee or permittee to a ~~sixty-day~~ thirty-day suspension and
1 10 a civil penalty in the amount of one thousand five hundred
1 11 dollars.

1 12 d. A ~~fourth~~ fifth violation within ~~three~~ four years shall
1 13 result in revocation of the license or permit.

1 14 Sec. 2. Section 123.50, subsection 3, Code 2011, is amended
1 15 by adding the following new paragraph:

1 16 NEW PARAGRAPH. 0c. A fourth violation within three
1 17 years shall subject the licensee or permittee to a sixty-day
1 18 suspension and a civil penalty in the amount of one thousand
1 19 five hundred dollars.

1 20 Sec. 3. Section 123.50, Code 2011, is amended by adding the
1 21 following new subsection:

1 22 NEW SUBSECTION. 5. If an employee of a licensee or
1 23 permittee violates section 123.49, subsection 2, paragraph
1 24 "h", the licensee or permittee shall not be assessed a penalty
1 25 under subsection 3, and the violation shall be deemed not to
1 26 be a violation of section 123.49, subsection 2, paragraph
1 27 "h", for the purpose of determining the number of violations
1 28 for which a penalty may be assessed pursuant to subsection
1 29 3, if the employee holds a valid certificate of completion
1 30 of the alcohol compliance employee training program pursuant
1 31 to section 123.50A at the time of the violation. A licensee
1 32 or permittee may assert only once in a four-year period the
1 33 bar under this subsection against assessment of a penalty
1 34 pursuant to subsection 3, for a violation of subsection 123.49,
1 35 subsection 2, paragraph "h", that takes place at the same place



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

House Study Bill 21 continued

2 1 of business location.

2 2 Sec. 4. NEW SECTION. 123.50A Alcohol compliance employee
2 3 training program.

2 4 1. The division shall develop an alcohol compliance
2 5 employee training program, not to exceed two hours in length
2 6 for employees and prospective employees of licensees and
2 7 permittees, to inform the employees about state and federal
2 8 liquor laws and regulations regarding the sale of alcoholic
2 9 liquor, wine, or beer to persons under legal age, and
2 10 compliance with and the importance of laws regarding the sale
2 11 of alcoholic liquor, wine, or beer to persons under legal age.

2 12 2. The alcohol compliance employee training program shall
2 13 be made available to employees and prospective employees of
2 14 licensees and permittees at no cost to the employee, the
2 15 prospective employee, or the licensee or permittee, and in a
2 16 manner which is as convenient and accessible to the extent
2 17 practicable throughout the state so as to encourage attendance.
2 18 Contingent upon the availability of specified funds for
2 19 provision of the program, the division shall schedule the
2 20 program on at least a monthly basis and the program shall be
2 21 available at a location in at least a majority of counties.

2 22 3. Upon completion of the alcohol compliance employee
2 23 training program, an employee or prospective employee shall
2 24 receive a certificate of completion, which shall be valid for
2 25 a period of two years, unless the employee or prospective
2 26 employee is convicted of a violation of section 123.49,
2 27 subsection 2, paragraph "h", in which case the certificate shall
2 28 be void.

2 29 4. The division shall also offer periodic continuing
2 30 employee training and recertification for employees who have
2 31 completed initial training and received an initial certificate
2 32 of completion as part of the alcohol compliance employee
2 33 training program.

2 34 EXPLANATION

2 35 This bill concerns penalties applicable to liquor control



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House Study Bill 21 continued

3 1 licensees and beer and wine permittees for sales of alcohol
3 2 to minors. The bill also establishes an alcohol compliance
3 3 employee training program.
3 4 The bill modifies the civil penalties applicable to liquor
3 5 control licensees and beer and wine permittees for underage
3 6 sales of alcohol.
3 7 The bill provides that for a second violation within two
3 8 years, the licensee or permittee is subject to either a 30=day
3 9 suspension or a civil penalty in the amount of \$1,500 and
3 10 provides that the licensee or permittee may select the penalty
3 11 to be applied. Current law provides that the penalty is both a
3 12 30=day suspension and a fine.
3 13 As to a third violation within three years, the bill modifies
3 14 current law by providing that the licensee or permittee is
3 15 subject to a 30=day suspension instead of the current 60=day
3 16 suspension.
3 17 As to a fourth violation within three years, the bill
3 18 provides that the licensee or permittee is subject to a
3 19 60=day suspension and a civil penalty in the amount of \$1,500.
3 20 Current law provides for revocation of the license or permit.
3 21 However, the bill does provide for revocation of the license or
3 22 permit for a fifth violation within four years.
3 23 The bill also provides that the civil penalties applicable
3 24 to a licensee or permittee for underage sales of alcohol
3 25 shall not apply if the employee of the licensee or permittee
3 26 who sold alcohol to the underage person has a certificate
3 27 of completion from the alcohol compliance employee training
3 28 program established by the bill. A licensee or permittee shall
3 29 only be able to assert this bar to imposition of a penalty once
3 30 in a four=year period.
3 31 The bill requires the alcohol beverages division to
3 32 establish an alcohol compliance employee training program. The
3 33 program shall be of no more than two hours in length and shall
3 34 inform employees about state and federal laws relative to sale
3 35 of alcohol to underage persons. The bill provides that the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House Study Bill 21 continued

4 1 program shall be conducted at no cost and shall be held in a
4 2 manner that is accessible to persons throughout the state. The
4 3 bill provides that a certificate of completion, valid for two
4 4 years, shall be issued to a person who completes the program.
4 5 The bill also provides that the division establish programs
4 6 for recertifying employees and providing continuing employee
4 7 training.

LSB 1860HC (6) 84

rn/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

House Study Bill 22

HOUSE FILE

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON COWNIE)

A BILL FOR

1 An Act authorizing and regulating savings promotion raffles,
2 and granting licensing authority to the department of
3 inspections and appeals.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1610YC (4) 84

aw/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

House Study Bill 22 continued

PAG LIN

1 1 Section 1. Section 99B.1, Code 2011, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 14A. "Financial institution" means a state
1 4 or federally chartered credit union as defined in section
1 5 533.102 or a state or federally chartered bank as defined in
1 6 section 524.103, which is located within the state of Iowa.

1 7 Sec. 2. Section 99B.1, subsection 26, Code 2011, is amended
1 8 to read as follows:

1 9 26. "Raffle" means a lottery in which each participant buys
1 10 a ticket for a chance at a prize with the winner determined by
1 11 a random method and the winner is not required to be present to
1 12 win. "Raffle" does not include a slot machine. "Raffle" does
1 13 not include a savings promotion raffle.

1 14 Sec. 3. Section 99B.1, Code 2011, is amended by adding the
1 15 following new subsection:

1 16 NEW SUBSECTION. 26A. "Savings promotion raffle" means
1 17 a drawing conducted by a financial institution, or a group
1 18 of financial institutions, in which a chance of winning a
1 19 designated prize or prizes is obtained by the deposit of a
1 20 specified amount of money in a savings account, time deposit,
1 21 or other savings program offered through that financial
1 22 institution or group of financial institutions.

1 23 Sec. 4. Section 99B.7, subsection 1, unnumbered paragraph
1 24 1, Code 2011, is amended to read as follows:

1 25 Except as otherwise provided in section 99B.7C or 99B.8,
1 26 games of skill, games of chance, and raffles lawfully may be
1 27 conducted at a specified location meeting the requirements of
1 28 subsection 2 of this section, but only if all of the following
1 29 are complied with:

1 30 Sec. 5. NEW SECTION. 99B.7C Savings promotion raffles.

1 31 1. For the purposes of this section, a "participant" is a
1 32 person who is at least eighteen years of age and who has opened
1 33 a savings promotion raffle account at a financial institution.

1 34 2. A savings promotion raffle may lawfully be conducted by a
1 35 financial institution or group of financial institutions if all



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House Study Bill 22 continued

2 1 of the following conditions are met:

2 2 a. The financial institution conducting the savings
2 3 promotion raffle has been issued a license from the department
2 4 and prominently displays that license during raffle drawings.

2 5 b. The savings promotion raffle conducted includes the
2 6 distribution of the financial institution's savings promotion
2 7 raffle rules to all participants in the savings promotion
2 8 raffle.

2 9 c. The savings promotion raffle is open to all participants
2 10 as provided in the rules established for the savings promotion
2 11 raffle by the financial institution conducting the savings
2 12 promotion raffle. Savings promotion raffles shall not be open
2 13 to members of the public who are not participants pursuant
2 14 to the savings promotion raffle rules of the financial
2 15 institution.

2 16 d. The financial institution offering the savings promotion
2 17 raffle maintains records regarding its savings promotion raffle
2 18 and the number of participants.

2 19 e. The savings promotion raffle is conducted in a fair and
2 20 honest manner. The financial institution shall not conduct
2 21 a savings promotion raffle in a manner that jeopardizes the
2 22 financial institution's safety and financial soundness or
2 23 misleads its participants.

2 24 3. A financial institution shall provide an annual report
2 25 to the department for each year in which a savings promotion
2 26 raffle was held. This report shall include the number of
2 27 savings promotion raffles held during the year, when the
2 28 savings promotion raffles were held, the description and value
2 29 of the prize or prizes offered, the names and addresses of
2 30 participants who won prizes, a copy of the savings promotion
2 31 raffle rules, and the names and addresses of two witnesses to
2 32 the raffle drawing. If multiple financial institutions combine
2 33 efforts for one or more collective savings promotion raffles
2 34 between participants, they may file a joint annual report.

2 35 4. A financial institution wishing to conduct one or more



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House Study Bill 22 continued

3 1 savings promotion raffles pursuant to this section shall submit
3 2 an application and annual license fee of one hundred dollars to
3 3 the department. The department shall develop an application
3 4 form requiring the contact information for the financial
3 5 institution or group of financial institutions conducting the
3 6 savings promotion raffle and a copy of the savings promotion
3 7 raffle rules from the financial institution. If multiple
3 8 financial institutions combine efforts for one or more joint
3 9 savings promotion raffles between their participants, each
3 10 financial institution shall complete an application and shall
3 11 jointly submit the applications and an annual license fee of
3 12 one hundred dollars.

3 13 5. Prizes awarded in a savings promotion raffle may be in
3 14 cash or any other form of property and, subject to the other
3 15 provisions of this section, shall not be subject to limits on
3 16 dollar amount, value, or quantity.

3 17 6. A financial institution or group of financial
3 18 institutions may compensate employees of the financial
3 19 institution, or may hire a third-party operator, to conduct a
3 20 savings promotion raffle.

3 21 Sec. 6. Section 99B.9, subsection 1, unnumbered paragraph
3 22 1, Code 2011, is amended to read as follows:

3 23 Except as otherwise permitted by section 99B.3, 99B.5,
3 24 99B.6, 99B.7, 99B.7B, 99B.7C, 99B.8, 99B.11, or 99B.12A,
3 25 it is unlawful to permit gambling on any premises owned,
3 26 leased, rented, or otherwise occupied by a person other than a
3 27 government, governmental agency, or governmental subdivision,
3 28 unless all of the following are complied with:

3 29 EXPLANATION

3 30 This bill allows a financial institution or multiple
3 31 financial institutions to be licensed by the department of
3 32 inspections and appeals to conduct savings promotions raffles.
3 33 The bill sets an annual license fee for individual financial
3 34 institutions and for a joint applicant license at \$100.

3 35 The bill requires that a participant deposit a stated amount



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House Study Bill 22 continued

4 1 of money into specified types of savings accounts in order to
4 2 participate in the raffle. A savings promotion raffle may
4 3 only be conducted by a financial institution, which includes
4 4 state or federally chartered credit unions and banks. The bill
4 5 provides that a savings promotion raffle is not a raffle which
4 6 is otherwise regulated by the department.

4 7 The bill requires that participants in a savings promotion
4 8 raffle be at least 18 years of age and have opened a savings
4 9 promotion raffle account with the licensed financial
4 10 institution.

4 11 The bill requires a financial institution engaging in a
4 12 savings promotion raffle to have received a savings promotion
4 13 raffle license from the department of inspections and
4 14 appeals, and requires that the institution display the license
4 15 prominently during the raffle drawing. The bill requires
4 16 the licensed financial institution to distribute the rules
4 17 of the raffle to all savings promotion raffle participants,
4 18 and specifies that savings promotion raffles are not open to
4 19 members of the public who are not participants as provided in
4 20 the rules provided by the financial institution.

4 21 The bill requires that licensed financial institutions
4 22 conduct the raffles fairly and honestly, not mislead
4 23 participants, and that the raffles not jeopardize the
4 24 institution's financial soundness. The bill also requires
4 25 that licensed financial institutions maintain records of the
4 26 raffles and the number of participants, and requires that they
4 27 provide annual reports to the department. The reports must
4 28 include the number of raffles held, when the raffles were held,
4 29 the description and value of all raffle prizes, the names and
4 30 addresses of winning participants, a copy of the financial
4 31 institution's rules, and the names and addresses of two persons
4 32 who observed the raffle drawing. The bill allows for multiple
4 33 institutions participating in one raffle to submit a joint
4 34 annual report.

4 35 The bill provides that prizes awarded for savings promotions



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

House Study Bill 22 continued

5 1 raffles may be in cash or any form of property without limit on
5 2 dollar amount, value, or quantity. The bill allows financial
5 3 institutions to compensate employees or hire a third=party to
5 4 conduct the raffles.

LSB 1610YC (4) 84

aw/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate File 57 - Introduced

SENATE FILE
BY CHELGREN

A BILL FOR

1 An Act requiring the sale of the Honey creek premier
2 destination park and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1898XS (1) 84
av/nh



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate File 57 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 463C.19A Sale of Honey creek
1 2 premier destination park.
1 3 1. Immediately after the effective date of this Act, the
1 4 Honey creek premier destination park authority shall develop a
1 5 plan to sell, at market value, the tract of land referred to as
1 6 the Honey creek premier destination park on the north shore of
1 7 Rathbun lake in Appanoose county. The plan shall include the
1 8 sale of substantial portions of the tract as soon as practical,
1 9 and the sale of all of the tract within a commercially
1 10 reasonable time. Prior to implementing the plan, the authority
1 11 shall submit the plan to the natural resource commission for
1 12 review and approval. The sale shall be handled in a manner
1 13 that is the most financially beneficial to the authority.
1 14 Appraisals conducted by the authority of the value of any
1 15 portion of the tract shall be made available to the public
1 16 immediately following the sale of that portion of the tract.
1 17 2. The proceeds from the sale of the property as provided
1 18 in subsection 1 are appropriated to and shall be used by
1 19 the authority to pay all outstanding bonds and satisfy all
1 20 outstanding obligations of the authority, including fulfilling
1 21 any outstanding covenants or provisions with bondholders or
1 22 third parties made in accordance with this chapter, and any
1 23 remaining proceeds are appropriated to and shall be used by the
1 24 natural resource commission to maintain other parks and public
1 25 lands under the jurisdiction of the commission.
1 26 3. By December 15 annually, the natural resource commission
1 27 shall submit a report of the activities and costs of the sale
1 28 of any property in accordance with subsection 1, including but
1 29 not limited to the use of any proceeds from the sale of the
1 30 property, to the general assembly in accordance with section
1 31 7A.11A, and to the legislative services agency, until such
1 32 time as the sale of the property is complete and the proceeds
1 33 have been expended by the authority, at which time the natural
1 34 resource commission shall submit a final report on the sale of
1 35 the property and use of the proceeds to the general assembly in



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate File 57 - Introduced continued

2 1 accordance with section 7A.11A and to the legislative services
2 2 agency.
2 3 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
2 4 immediate importance, takes effect upon enactment.

2 5 EXPLANATION

2 6 This bill requires the Honey creek premier destination
2 7 park authority to develop a plan to sell the Honey creek
2 8 premier destination park which is located on the north shore of
2 9 Rathbun lake in Appanoose county. The plan must be reviewed
2 10 and approved by the natural resource commission prior to
2 11 implementation.

2 12 Proceeds from the sale of the property are appropriated to
2 13 the authority to pay all outstanding bonds and satisfy all
2 14 outstanding obligations of the authority, including fulfilling
2 15 any outstanding covenants or provisions with bondholders or
2 16 third parties made in accordance with Code chapter 463C and any
2 17 remaining proceeds are appropriated to and shall be used by the
2 18 commission to maintain and manage other parks and public lands
2 19 under the jurisdiction of the commission.

2 20 The natural resource commission is required to submit an
2 21 annual report of the activities and costs of the sale of
2 22 the property to the general assembly and to the legislative
2 23 services agency, including the use of any proceeds from the
2 24 sale, until the sale of the property is complete and all
2 25 proceeds have been expended, at which time the commission shall
2 26 submit a final report.

2 27 The bill takes effect upon enactment.

LSB 1898XS (1) 84

av/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate File 58 - Introduced

SENATE FILE
BY DANIELSON

A BILL FOR

1 An Act relating to area health education centers, creating
2 an area health education centers fund, and providing an
3 appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1821XS (3) 84
pf/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate File 58 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 135.179 Area health education
1 2 centers fund.
1 3 An area health education centers fund is created in the
1 4 state treasury as a separate fund under the control of the
1 5 department. The department may receive appropriations,
1 6 contributions, grants, and in-kind contributions to support
1 7 the purposes of the fund. The fund shall be separate from the
1 8 general fund of the state and shall not be considered part of
1 9 the general fund of the state. The moneys in the fund shall
1 10 not be considered revenue of the state, but rather shall be
1 11 moneys of the fund. The moneys in the fund are appropriated
1 12 to the department to be distributed to academic institutions
1 13 that coordinate area health education centers to recruit and
1 14 retain health care providers in underserved areas of the state.
1 15 The funds distributed shall be used to provide the nonfederal
1 16 funding match requirement for receipt of federal grants for
1 17 area health education centers from the federal health resources
1 18 and services administration of the United States department
1 19 of health and human services. The moneys in the fund are not
1 20 subject to section 8.33 and shall not be transferred, used,
1 21 obligated, appropriated, or otherwise encumbered, except to
1 22 provide for the purposes of this section. Notwithstanding
1 23 section 12C.7, subsection 2, interest or earnings on moneys
1 24 deposited in the fund shall be credited to the fund.
1 25 Sec. 2. AREA HEALTH EDUCATION CENTERS ====

1 26 APPROPRIATION. There is appropriated from the general
1 27 fund of the state for deposit in the area health education
1 28 centers fund created in section 135.179 pursuant to this Act,
1 29 for the fiscal year beginning July 1, 2011, and ending June 30,
1 30 2012, the following amount, or so much thereof as is necessary,
1 31 for the purposes specified for the fund:
1 32 \$ 1,000,000

1 33 Sec. 3. CODE EDITOR DIRECTIVE. The Code editor shall create
1 34 a new division in chapter 135 codifying section 135.179, as
1 35 enacted in this Act, as the area health education centers fund.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate File 58 - Introduced continued

2 1 EXPLANATION
2 2 This bill relates to area health education centers (AHECs).
2 3 The bill creates an area health education centers fund in
2 4 the state treasury as a separate fund under the control of
2 5 the department of public health. The moneys in the fund are
2 6 appropriated to the department to be distributed to academic
2 7 institutions that coordinate AHECs that recruit and retain
2 8 health care providers in underserved areas of the state. The
2 9 funds distributed are to be used to provide the nonfederal
2 10 funding match requirement for receipt of federal grants
2 11 for AHECs from the federal health resources and services
2 12 administration of the United States department of health and
2 13 human services.
2 14 The bill also makes an appropriation of \$1 million from
2 15 the general fund of the state for deposit in the area health
2 16 education centers fund to be used for the purposes of the fund.
2 17 In Iowa, currently two educational institutions are
2 18 coordinating AHEC efforts. Des Moines university is working
2 19 with 62 counties, predominantly north of Interstate 80, with
2 20 regional offices in Waterloo, Des Moines, and Mason City, with
2 21 another anticipated in Carroll. The university of Iowa is
2 22 working with 33 counties in southern Iowa with offices located
2 23 in Ottumwa, Leon, and Davenport.

LSB 1821XS (3) 84

pf/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate File 59 - Introduced

SENATE FILE
BY ZAUN

A BILL FOR

1 An Act providing for a waiver of tuition and mandatory fees at
2 regents universities for Iowa national guard members who are
3 residents of Iowa.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1023SS (3) 84
kh/sc



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate File 59 - Introduced continued

PAG LIN

1 1 Section 1. Section 262.9, subsection 17, Code 2011, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. c. (1) Direct each institution of higher
1 4 education under the control of the board to waive tuition
1 5 and mandatory fee charges to a member of the Iowa national
1 6 guard who is a resident of this state or who was a resident
1 7 of this state at the time of entry into the Iowa national
1 8 guard. Tuition and mandatory fees shall be waived for not more
1 9 than one hundred twenty-eight semester credit hours or eight
1 10 semesters of undergraduate study, or the trimester or quarter
1 11 equivalent. The limitation on credit hours and semesters
1 12 of study shall be applied cumulatively within the regents
1 13 university system. The waiver shall apply only for the amount
1 14 of tuition and mandatory fee charges that exceeds the total
1 15 amount of any state and federal education benefits, grants,
1 16 or scholarships the national guard member is eligible for or
1 17 receives, including but not limited to the federal Pell grant,
1 18 federal educational assistance for the selected reserve, and
1 19 the national guard educational assistance program under section
1 20 261.86.

1 21 (2) The department of veterans affairs and the college
1 22 student aid commission shall provide information and assistance
1 23 to the institutions upon request.

1 24 EXPLANATION

1 25 This bill requires the state board of regents to direct each
1 26 of its universities to waive tuition and mandatory fee charges
1 27 to a member of the Iowa national guard who is a resident of this
1 28 state or who was a resident of this state at the time of entry
1 29 into the Iowa national guard.

1 30 Tuition and mandatory fees shall be waived for not more than
1 31 128 semester credit hours or eight semesters of undergraduate
1 32 study within the regents university system. The waiver
1 33 shall apply only for the amount of tuition and mandatory fee
1 34 charges that exceeds the total amount of any state and federal
1 35 education benefits, grants, or scholarships the national guard



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate File 59 - Introduced continued

2 1 member is eligible for or receives.
2 2 The department of veterans affairs and the college student
2 3 aid commission must provide information and assistance to the
2 4 institutions upon request.
LSB 1023SS (3) 84
kh/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate File 60 - Introduced

SENATE FILE
BY BOLKCOM

A BILL FOR

1 An Act relating to the use of bisphenol A in certain products
2 and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1308XS (1) 84
tm/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate File 60 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 135.181 Bisphenol A prohibition.
1 2 1. As used in this section, unless the context otherwise
1 3 requires:
1 4 a. "Baby food" means a commercially available prepared solid
1 5 food consisting of a soft paste or an easily chewed food that
1 6 is intended for consumption by children two years of age or
1 7 younger.
1 8 b. "Infant formula" means commercially available milk-based
1 9 or soy-based powder, concentrated liquid, or ready-to-feed
1 10 substitute for human breast milk that is intended for infant
1 11 consumption.
1 12 c. "Reusable food or beverage container" means a receptacle
1 13 for storing food or beverages, including baby bottles,
1 14 spill-proof cups, sports bottles, and thermoses. "Reusable
1 15 food or beverage container" does not include food or beverage
1 16 containers intended for disposal after initial usage.
1 17 2. Beginning January 1, 2012, a person shall not
1 18 manufacture, sell, or distribute in commerce in this state any
1 19 reusable food or beverage container containing bisphenol A.
1 20 3. Beginning January 1, 2012, a person shall not
1 21 manufacture, sell, or distribute in commerce in this state any
1 22 infant formula or baby food stored in a plastic container, can,
1 23 or jar containing bisphenol A.
1 24 4. A manufacturer shall use the least toxic alternative when
1 25 replacing bisphenol A in accordance with this section.
1 26 5. In complying with this section, a manufacturer shall
1 27 not replace bisphenol A with a substance rated by the United
1 28 States environmental protection agency as a class A, B, or
1 29 C carcinogen or a substance listed on the agency's list of
1 30 chemicals evaluated for carcinogenic potential as known or
1 31 likely carcinogens, known to be human carcinogens, likely to be
1 32 human carcinogens, or suggestive of being carcinogens.
1 33 6. In complying with this section, a manufacturer shall not
1 34 replace bisphenol A with a reproductive toxicant that has been
1 35 identified by the United States environmental protection agency



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate File 60 - Introduced continued

2 1 as causing birth defects, reproductive harm, or developmental
2 2 harm.
2 3 7. A person who violates this section is subject to a civil
2 4 penalty of one thousand dollars for each violation.

2 5 EXPLANATION

2 6 This bill relates to the use of bisphenol A in certain
2 7 products.

2 8 The bill, beginning January 1, 2012, prohibits the
2 9 manufacture, sale, or distribution of any reusable food
2 10 or beverage container containing bisphenol A. The bill,
2 11 beginning January 1, 2012, prohibits the manufacture, sale,
2 12 or distribution of any infant formula or baby food stored in
2 13 a plastic container, can, or jar containing bisphenol A. The
2 14 bill requires manufacturers to use the least toxic alternative
2 15 when replacing bisphenol A in a product and prohibits the
2 16 use of certain substances as replacements for bisphenol A in
2 17 products. The bill provides that a person who violates the
2 18 provisions of the bill is subject to a civil penalty of \$1,000
2 19 for each violation.

LSB 1308XS (1) 84

tm/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate File 61 - Introduced

SENATE FILE
BY HOGG

A BILL FOR

1 An Act relating to the division of school foundation property
2 taxes for purposes of urban renewal and including effective
3 date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1357SS (2) 84
md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate File 61 - Introduced continued

PAG LIN

1 1 Section 1. Section 403.19, subsection 2, Code 2011, is
1 2 amended to read as follows:
1 3 2. That portion of the taxes each year in excess of such
1 4 amount shall be allocated to and when collected be paid into
1 5 a special fund of the municipality to pay the principal of
1 6 and interest on loans, moneys advanced to, or indebtedness,
1 7 whether funded, refunded, assumed, or otherwise, including
1 8 bonds issued under the authority of section 403.9, subsection
1 9 1, incurred by the municipality to finance or refinance, in
1 10 whole or in part, an urban renewal project within the area,
1 11 and to provide assistance for low and moderate income family
1 12 housing as provided in section 403.22, ~~except that.~~ However,
1 13 taxes for the regular and voter-approved physical plant and
1 14 equipment levy of a school district imposed pursuant to section
1 15 298.2, and taxes for the payment of bonds and interest of
1 16 each taxing district must, and the foundation property tax
1 17 imposed pursuant to section 257.3, subsection 1, but only
1 18 as provided in subsection 8, shall be collected against all
1 19 taxable property within the taxing district without limitation
1 20 by the provisions of this subsection. ~~However~~ In addition, all
1 21 or a portion of the taxes for the physical plant and equipment
1 22 levy shall be paid by the school district to the municipality
1 23 if the auditor certifies to the school district by July 1 the
1 24 amount of such levy that is necessary to pay the principal and
1 25 interest on bonds issued by the municipality to finance an
1 26 urban renewal project, which bonds were issued before July 1,
1 27 2001. Indebtedness incurred to refund bonds issued prior to
1 28 July 1, 2001, shall not be included in the certification. Such
1 29 school district shall pay over the amount certified by November
1 30 1 and May 1 of the fiscal year following certification to the
1 31 school district. Unless and until the total assessed valuation
1 32 of the taxable property in an urban renewal area exceeds the
1 33 total assessed value of the taxable property in such area as
1 34 shown by the last equalized assessment roll referred to in
1 35 subsection 1, all of the taxes levied and collected upon the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate File 61 - Introduced continued

2 1 taxable property in the urban renewal area shall be paid into
2 2 the funds for the respective taxing districts as taxes by
2 3 or for the taxing districts in the same manner as all other
2 4 property taxes. When such loans, advances, indebtedness, and
2 5 bonds, if any, and interest thereon, have been paid, all moneys
2 6 thereafter received from taxes upon the taxable property in
2 7 such urban renewal area shall be paid into the funds for the
2 8 respective taxing districts in the same manner as taxes on all
2 9 other property. In those instances where a school district
2 10 has entered into an agreement pursuant to section 279.64 for
2 11 sharing of school district taxes levied and collected from
2 12 valuation described in this subsection and released to the
2 13 school district, the school district shall transfer the taxes
2 14 as provided in the agreement.

2 15 Sec. 2. Section 403.19, Code 2011, is amended by adding the
2 16 following new subsection:

2 17 NEW SUBSECTION. 8. a. For urban renewal plans adopted
2 18 on or after the effective date of this Act, the foundation
2 19 property tax imposed pursuant to section 257.3, subsection
2 20 1, shall not be divided under this section but shall be paid
2 21 to the school district if the urban renewal plan includes
2 22 residential development in an area that is not designated a
2 23 slum or blighted area.

2 24 b. For urban renewal plans adopted before the effective date
2 25 of this Act that include residential development in an area
2 26 that is not designated a slum or blighted area, the foundation
2 27 property tax imposed pursuant to section 257.3, subsection 1,
2 28 shall not be divided under this section but shall be paid to
2 29 the school district, for fiscal years beginning on or after
2 30 July 1, 2021.

2 31 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
2 32 immediate importance, takes effect upon enactment.

2 33 EXPLANATION

2 34 This bill provides that the \$5.40 school foundation levy
2 35 shall not be divided for urban renewal purposes for urban



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate File 61 - Introduced continued

3 1 renewal plans adopted on or after the effective date of the
3 2 bill if the urban renewal plan includes residential development
3 3 in an area that is not designated a slum or blighted area.
3 4 Under the bill, such taxes shall instead be paid to the school
3 5 district. The bill further provides that, beginning with the
3 6 fiscal year beginning July 1, 2021, the \$5.40 school foundation
3 7 levy shall not be divided for urban renewal purposes for urban
3 8 renewal plans adopted before the effective date of the bill if
3 9 the urban renewal plan includes residential development in an
3 10 area that is not designated a slum or blighted area, but will
3 11 be paid to the school district.
3 12 The bill takes effect upon enactment.

LSB 1357SS (2) 84

md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate File 62 - Introduced

SENATE FILE
BY DANIELSON

A BILL FOR

1 An Act relating to the criminal offense of interference with
2 official acts.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1828XS (1) 84
jm/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate File 62 - Introduced continued

PAG LIN

1 1 Section 1. Section 719.1, subsections 1 and 2, Code 2011,
1 2 are amended to read as follows:
1 3 1. A person who knowingly resists or obstructs anyone known
1 4 by the person to be a peace officer, emergency medical care
1 5 provider under chapter 147A, or fire fighter, whether paid
1 6 or volunteer, in the performance of any act which is within
1 7 the scope of the lawful duty or authority of that officer,
1 8 emergency medical care provider under chapter 147A, or fire
1 9 fighter, whether paid or volunteer, or who knowingly resists or
1 10 obstructs the service or execution by any authorized person of
1 11 any civil or criminal process or order of any court, commits a
1 12 simple misdemeanor. In addition to any other penalties, the
1 13 punishment imposed for a violation of this subsection shall
1 14 include assessment of a fine of not less than two hundred fifty
1 15 dollars. However, if a person commits an interference with
1 16 official acts, as defined in this subsection, ~~and in so doing~~
~~1 17 inflicts which results in~~ bodily injury other than serious
~~1 18 injury~~, that person commits an aggravated misdemeanor. If a
1 19 person commits an interference with official acts, as defined
1 20 in this subsection, ~~and in so doing inflicts or attempts~~
~~1 21 to inflict which results in~~ serious injury, or displays a
1 22 dangerous weapon, as defined in section 702.7, or is armed with
1 23 a firearm, that person commits a class "D" felony.
1 24 2. A person under the custody, control, or supervision of
1 25 the department of corrections who knowingly resists, obstructs,
1 26 or interferes with a correctional officer, agent, employee, or
1 27 contractor, whether paid or volunteer, in the performance of
1 28 the person's official duties, commits a serious misdemeanor.
1 29 If a person violates this subsection and in so doing commits
1 30 an assault, as defined in section 708.1, the person commits an
1 31 aggravated misdemeanor. If a person violates this subsection
1 32 ~~and in so doing inflicts or attempts to inflict the violation~~
~~1 33 results in~~ bodily injury other than serious injury to another,
1 34 displays a dangerous weapon, as defined in section 702.7, or is
1 35 armed with a firearm, the person commits a class "D" felony.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate File 62 - Introduced continued

2 1 If a person violates this subsection and uses or attempts
2 2 to use a dangerous weapon, as defined in section 702.7, or
2 3 ~~inflicts~~ the violation results in serious injury to another,
2 4 the person commits a class "C" felony.

2 5 EXPLANATION

2 6 This bill relates to the criminal offense of interference
2 7 with official acts.

2 8 The bill provides that a person commits the offense of
2 9 interference with official acts if the violation results in
2 10 bodily or serious injury to a peace officer, emergency medical
2 11 care provider, correctional officer, or other member of a
2 12 protected class under Code section 719.1.

2 13 Current law provides that a person commits the offense
2 14 of interference with official acts if the person inflicts or
2 15 attempts to inflict bodily or serious injury.

2 16 Under the bill, if a person commits interference with
2 17 official acts that results in bodily injury to a member
2 18 of a protected class, the person commits an aggravated
2 19 misdemeanor if the injury is to a peace officer or emergency
2 20 medical officer, or a class "D" felony if the injury is to a
2 21 correctional officer.

2 22 If a person commits interference with official acts that
2 23 results in serious injury, the person commits a class "D"
2 24 felony if the injury is to a peace officer or emergency
2 25 medical officer, or a class "C" felony if the injury is to a
2 26 correctional officer.

LSB 1828XS (1) 84

jm/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate File 63 - Introduced

SENATE FILE
BY HOGG

A BILL FOR

1 An Act establishing an alternative supplementary weighting plan
2 for at-risk pupils and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 1552XS (12) 84
md/sc



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate File 63 - Introduced continued

PAG LIN

1 1 Section 1. Section 257.11, subsection 4, paragraph b, Code
1 2 2011, is amended by striking the paragraph and inserting in
1 3 lieu thereof the following:
1 4 b. In lieu of the supplementary weighting authorized under
1 5 this subsection, a school district may receive a supplementary
1 6 weighting amount under the alternative plan under subsection 4A
1 7 if the school district meets all the requirements of subsection
1 8 4A.
1 9 Sec. 2. Section 257.11, subsection 4, paragraph c, Code
1 10 2011, is amended by striking the paragraph.
1 11 Sec. 3. Section 257.11, Code 2011, is amended by adding the
1 12 following new subsection:
1 13 NEW SUBSECTION. 4A. At-risk programs and alternative schools
1 14 === alternative weighting.
1 15 a. In order to provide additional funding to school
1 16 districts to further the goal of overcoming the achievement gap
1 17 and for programs serving at-risk pupils and alternative school
1 18 pupils in secondary schools, and in lieu of the supplementary
1 19 weighting plan under subsection 4, an alternative supplementary
1 20 weighting plan for at-risk pupils is adopted. A supplementary
1 21 weighting of ninety=six ten=thousandths per pupil shall be
1 22 assigned to the percentage of pupils in a school district
1 23 enrolled in grades one through six, as reported by the school
1 24 district on the basic educational data survey for the base
1 25 year, who are eligible for free and reduced price meals under
1 26 the federal National School Lunch Act and the federal Child
1 27 Nutrition Act of 1966, 42 U.S.C. { 1751=1785, multiplied by the
1 28 budget enrollment in the school district; and a supplementary
1 29 weighting of three hundred twelve one=hundred=thousandths
1 30 per pupil shall be assigned to pupils included in the budget
1 31 enrollment of the school district. Amounts received as
1 32 supplementary weighting for at-risk pupils shall be utilized by
1 33 a school district, according to the requirements of paragraph
1 34 "b", to develop or maintain at-risk pupils' programs, which may
1 35 include alternative school programs.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate File 63 - Introduced continued

2 1 b. To be eligible for the supplementary weighting plan
2 2 under paragraph "a", a school district shall satisfy all of the
2 3 following conditions:
2 4 (1) Designate a school district employee as an at-risk pupil
2 5 coordinator.
2 6 (2) Establish an at-risk pupil task force whose membership
2 7 shall consist, at a minimum, of a school counselor, a parent
2 8 of a low-income student, a teacher, a representative of the
2 9 area education agency, the school district's superintendent,
2 10 a representative of a local social service agency, a
2 11 representative of a community corrections or juvenile justice
2 12 agency, a representative of a community college or other
2 13 institution of higher education, a member of the board of
2 14 directors of the school district, and the at-risk pupil
2 15 coordinator. The at-risk pupil task force shall evaluate
2 16 the school district's programs and plans for at-risk pupils
2 17 and make recommendations for changes to such programs and
2 18 plans to comply with requirements and standards adopted by
2 19 the department and to further the goal of overcoming the
2 20 achievement gap.
2 21 (3) Meet the standards established by the department for
2 22 mentoring or tutoring at-risk students, before and after school
2 23 programs and summer programs for at-risk students, parenting
2 24 skills programs for parents of at-risk students, services for
2 25 dropouts and dropout prevention, and academic achievement for
2 26 at-risk students.
2 27 (4) Submit an application to the department by March 1 of
2 28 the preceding school year for supplementary weighting under
2 29 this subsection on forms prescribed by the department or submit
2 30 an annual report to the department by March 1 of the preceding
2 31 school year specifying the use of the amounts received as
2 32 the result of the supplementary weighting plan under this
2 33 subsection and specifying that all other requirements of this
2 34 subsection are being met.
2 35 c. The department of education shall adopt rules under



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate File 63 - Introduced continued

3 1 chapter 17A necessary to implement this subsection, including
3 2 rules that prescribe the standards for school district at-risk
3 3 programs and services, application forms, and forms necessary
3 4 to complete the annual reports required under paragraph "b",
3 5 subparagraph (4).

3 6 Sec. 4. APPLICABILITY. This Act applies to school budget
3 7 years beginning on or after July 1, 2012.

3 8 EXPLANATION

3 9 This bill establishes an alternative supplementary weighting
3 10 plan for at-risk programs and alternative schools. Under
3 11 the bill, a school district would receive supplementary
3 12 weighting in amounts that are double the specified amount
3 13 of supplementary weighting provided under the existing
3 14 supplementary weighting plan for at-risk programs and
3 15 alternative schools, under Code section 257.11, subsection 4,
3 16 paragraph "a".

3 17 To be eligible for the alternative supplementary weighting
3 18 plan, a school district shall designate an at-risk pupil
3 19 coordinator, establish an at-risk pupil task force consisting
3 20 of specified individuals, and meet all standards and
3 21 requirements established by the department of education
3 22 for programs and services for mentoring or tutoring at-risk
3 23 students, before and after school and summer programs for
3 24 at-risk students, parenting skills programs for parents of
3 25 at-risk students, services for dropouts and dropout prevention,
3 26 and academic achievement for at-risk students.

3 27 Under the bill, school districts must apply to the
3 28 department of education by March 1 of the preceding school year
3 29 for the alternative supplementary weighting provided under
3 30 the bill. The bill also requires each school district that
3 31 receives supplementary weighting under the new supplementary
3 32 weighting plan to submit an annual report to the department
3 33 of education detailing the use of the amounts received. The
3 34 bill requires the department of education to adopt rules under
3 35 Code chapter 17A necessary to implement the bill, including



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate File 63 - Introduced continued

4 1 rules that prescribe the standards for school district at=risk
4 2 programs and services, the standards for academic achievement
4 3 for at=risk students, and the forms necessary for applications
4 4 and to complete the annual reports.
4 5 The bill strikes obsolete language from Code section 257.11,
4 6 subsection 4, relating to supplementary weighting for at=risk
4 7 programs and alternative schools.
4 8 The bill applies to school budget years beginning on or after
4 9 July 1, 2012.
LSB 1552XS (12) 84
md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate File 64 - Introduced

SENATE FILE
BY BEALL

A BILL FOR

1 An Act requiring certain group health insurance policies,
2 contracts, or plans to provide coverage for autism spectrum
3 disorders for certain persons, requiring certification of
4 behavior specialists, providing for a repeal, and including
5 applicability and effective date provisions.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1755XS (6) 84

av/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate File 64 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 514C.29 Autism spectrum disorders
1 2 coverage.
1 3 1. Notwithstanding the uniformity of treatment requirements
1 4 of section 514C.6, a group policy, contract, or plan providing
1 5 for third-party payment or prepayment of health, medical, and
1 6 surgical coverage benefits shall provide coverage benefits
1 7 to covered individuals under twenty-one years of age for the
1 8 diagnostic assessment of autism spectrum disorders and for the
1 9 treatment of autism spectrum disorders if the policy, contract,
1 10 or plan is either of the following:
1 11 a. A policy, contract, or plan issued by a carrier, as
1 12 defined in section 513B.2, or an organized delivery system
1 13 authorized under 1993 Iowa Acts, chapter 158, to an employer
1 14 who on at least fifty percent of the employer's working days
1 15 during the preceding calendar year employed more than fifty
1 16 full-time equivalent employees. In determining the number
1 17 of full-time equivalent employees of an employer, employers
1 18 who are affiliated or who are able to file a consolidated tax
1 19 return for purposes of state taxation shall be considered one
1 20 employer.
1 21 b. A plan established pursuant to chapter 509A for public
1 22 employees.
1 23 2. As used in this section, unless the context otherwise
1 24 requires:
1 25 a. "Applied behavioral analysis" means the design,
1 26 implementation, and evaluation of environmental modifications,
1 27 using behavioral stimuli and consequences, to produce socially
1 28 significant improvement in human behavior or to prevent loss
1 29 of attained skill or function, including the use of direct
1 30 observation, measurement, and functional analysis of the
1 31 relations between environment and behavior.
1 32 b. "Autism service provider" means a person, entity,
1 33 or group providing treatment of autism spectrum disorders,
1 34 pursuant to a treatment plan.
1 35 c. "Autism spectrum disorders" means any of the pervasive



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate File 64 - Introduced continued

2 1 developmental disorders including autistic disorder, Asperger's
2 2 disorder, and pervasive developmental disorders not otherwise
2 3 specified. The commissioner, by rule, shall define "autism
2 4 spectrum disorders" consistent with definitions provided in the
2 5 most recent edition of the American psychiatric association's
2 6 diagnostic and statistical manual of mental disorders, as such
2 7 definitions may be amended from time to time. The commissioner
2 8 may adopt the definitions provided in such manual by reference.
2 9 d. "Behavior specialist" means an individual, certified
2 10 by the commissioner, who designs, implements, or evaluates a
2 11 behavior modification intervention component of a treatment
2 12 plan, including those based on applied behavioral analysis, to
2 13 produce socially significant improvements in human behavior or
2 14 to prevent loss of attained skill or function, through skill
2 15 acquisition and the reduction of problematic behavior.
2 16 e. "Diagnostic assessment of autism spectrum disorders" means
2 17 medically necessary assessment, evaluations, or tests performed
2 18 by a licensed physician, licensed physician assistant, licensed
2 19 psychologist, or licensed registered nurse practitioner to
2 20 diagnose whether an individual has an autism spectrum disorder.
2 21 f. "Pharmacy care" means medications prescribed by a
2 22 licensed physician, licensed physician assistant, or licensed
2 23 registered nurse practitioner and any assessment, evaluation,
2 24 or test prescribed or ordered by a licensed physician, licensed
2 25 physician assistant, or licensed registered nurse practitioner
2 26 to determine the need for or effectiveness of such medications.
2 27 g. "Psychiatric care" means direct or consultative services
2 28 provided by a licensed physician who specializes in psychiatry.
2 29 h. "Psychological care" means direct or consultative
2 30 services provided by a licensed psychologist.
2 31 i. "Rehabilitative care" means professional services and
2 32 treatment programs, including applied behavioral analysis,
2 33 provided by an autism service provider to produce socially
2 34 significant improvement in human behavior or to prevent loss
2 35 of attained skill or function.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate File 64 - Introduced continued

3 1 j. "Therapeutic care" means services provided by a licensed
3 2 speech pathologist, licensed occupational therapist, or
3 3 licensed physical therapist.
3 4 k. "Treatment of autism spectrum disorders" means treatment
3 5 that is identified in a treatment plan and includes medically
3 6 necessary pharmacy care, psychiatric care, psychological care,
3 7 rehabilitative care, and therapeutic care that is one of the
3 8 following:
3 9 (1) Prescribed, ordered, or provided by a licensed
3 10 physician, licensed physician assistant, licensed psychologist,
3 11 licensed social worker, or licensed registered nurse
3 12 practitioner.
3 13 (2) Provided by an autism service provider.
3 14 (3) Provided by a person, entity, or group that works under
3 15 the direction of an autism service provider.
3 16 1. "Treatment plan" means a plan for the treatment of
3 17 autism spectrum disorders developed by a licensed physician or
3 18 licensed psychologist pursuant to a comprehensive evaluation
3 19 or reevaluation performed in a manner consistent with the most
3 20 recent clinical report or recommendations of the American
3 21 academy of pediatrics, as determined by the commissioner by
3 22 rule.
3 23 3. Coverage is required pursuant to this section in a
3 24 maximum benefit amount of not less than thirty=six thousand
3 25 dollars per year but shall not be subject to any limits on the
3 26 number of visits to an autism service provider for treatment of
3 27 autism spectrum disorders. Beginning in 2015, the commissioner
3 28 shall, on or before April 1 of each calendar year, publish
3 29 an adjustment to the maximum benefit required equal to the
3 30 percentage change in the United States department of labor
3 31 consumer price index for all urban consumers in the preceding
3 32 year, and the published adjusted maximum benefit shall be
3 33 applicable to group policies, contracts, or plans subject to
3 34 this section that are issued or renewed on or after January 1
3 35 of the following calendar year. Payments made under a group



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate File 64 - Introduced continued

4 1 policy, contract, or plan subject to this section on behalf
4 2 of a covered individual for treatment of a health condition
4 3 unrelated to or distinguishable from the individual's autism
4 4 spectrum disorder shall not be applied toward any maximum
4 5 benefit established under this subsection.

4 6 4. Coverage required pursuant to this section shall be
4 7 subject to copayment, deductible, and coinsurance provisions,
4 8 and any other general exclusions or limitations of a group
4 9 policy, contract, or plan to the same extent as other medical
4 10 or surgical services covered by the group policy, contract, or
4 11 plan.

4 12 5. Coverage required by this section shall be provided
4 13 in coordination with coverage required for the treatment of
4 14 autistic disorders pursuant to section 514C.22.

4 15 6. This section shall not be construed to limit benefits
4 16 which are otherwise available to an individual under a group
4 17 policy, contract, or plan.

4 18 7. This section shall not be construed to require coverage
4 19 by a group policy, contract, or plan of any service solely
4 20 based on inclusion of the service in an individualized
4 21 education program. Consistent with federal or state law and
4 22 upon consent of the parent or guardian of a covered individual,
4 23 the treatment of autism spectrum disorders may be coordinated
4 24 with any services included in an individualized education
4 25 program. However, coverage for the treatment of autism
4 26 spectrum disorders shall not be contingent upon coordination of
4 27 services with an individualized education program.

4 28 8. This section shall not apply to accident=only,
4 29 specified disease, short=term hospital or medical, hospital
4 30 confinement indemnity, credit, dental, vision, Medicare
4 31 supplement, long=term care, basic hospital and medical=surgical
4 32 expense coverage as defined by the commissioner, disability
4 33 income insurance coverage, coverage issued as a supplement
4 34 to liability insurance, workers' compensation or similar
4 35 insurance, or automobile medical payment insurance, or



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate File 64 - Introduced continued

5 1 individual accident and sickness policies issued to individuals
5 2 or to individual members of a member association.
5 3 9. A carrier, organized delivery system, or plan
5 4 established pursuant to chapter 509A may manage the benefits
5 5 provided through common methods including but not limited to
5 6 providing payment of benefits or providing care and treatment
5 7 under a capitated payment system, prospective reimbursement
5 8 rate system, utilization control system, incentive system
5 9 for the use of least restrictive and costly levels of care,
5 10 a preferred provider contract limiting choice of specific
5 11 providers, or any other system, method, or organization
5 12 designed to assure services are medically necessary and
5 13 clinically appropriate.
5 14 10. An insurer may review a treatment plan for treatment
5 15 of autism spectrum disorders once every six months, subject to
5 16 its utilization review requirements, including case management,
5 17 concurrent review, and other managed care provisions. A more
5 18 or less frequent review may be agreed upon by the insured and
5 19 the licensed physician or licensed psychologist developing the
5 20 treatment plan.
5 21 11. For the purposes of this section, the results of a
5 22 diagnostic assessment of autism spectrum disorder shall be
5 23 valid for a period of not less than twelve months, unless a
5 24 licensed physician or licensed psychologist determines that a
5 25 more frequent assessment is necessary.
5 26 12. The commissioner, in consultation with the board of
5 27 medicine, shall adopt rules providing for the certification of
5 28 behavior specialists.
5 29 a. An applicant for a certificate as a behavior specialist
5 30 shall submit a written application on forms provided by the
5 31 commissioner evidencing and insuring that the applicant meets
5 32 all of the following requirements:
5 33 (1) Is of good moral character.
5 34 (2) Has received a master's or higher degree from a
5 35 board=approved, accredited college or university, including



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate File 64 - Introduced continued

6 1 a major course of study in school, clinical, or counseling
6 2 psychology, special education, social work, speech therapy,
6 3 occupational therapy, or another related field.
6 4 (3) Has at least one year of experience involving
6 5 functional behavior assessments, including the development and
6 6 implementation of behavioral supports or treatment plans.
6 7 (4) Has completed at least one thousand hours in direct
6 8 clinical experience with individuals with behavioral challenges
6 9 or at least one thousand hours of experience in a related field
6 10 with individuals with autism spectrum disorders.
6 11 (5) Has completed relevant training programs, including
6 12 professional ethics, autism-specific training, assessments
6 13 training, instructional strategies and best practices,
6 14 crisis intervention, comorbidity and medications, family
6 15 collaboration, and addressing specific skill deficits training.
6 16 b. The commissioner shall not issue a certificate to an
6 17 applicant who has been convicted of a felony, of a controlled
6 18 substance-related offense under chapter 124 or of the laws of
6 19 another jurisdiction unless all of the following requirements
6 20 have been met:
6 21 (1) At least ten years have elapsed from the date of
6 22 conviction of such an offense.
6 23 (2) The applicant satisfactorily demonstrates to the
6 24 commissioner that the applicant has made significant progress
6 25 in personal rehabilitation since the conviction such that
6 26 certification of the applicant would not be expected to create
6 27 a substantial risk of harm to the health and safety of patients
6 28 or the public, or a substantial risk of further criminal
6 29 violations.
6 30 (3) The applicant otherwise satisfies the requirements of
6 31 this subsection.
6 32 13. The commissioner shall adopt rules pursuant to chapter
6 33 17A to implement and administer this section.
6 34 14. This section applies to third-party payment provider
6 35 policies, contracts, or plans, and to plans established



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate File 64 - Introduced continued

1 pursuant to chapter 509A that are delivered, issued for
2 delivery, continued, or renewed in this state on or after
3 January 1, 2012.

4 Sec. 2. REPEAL. Section 514C.28, Code 2011, is repealed.

5 Sec. 3. EFFECTIVE DATE. The following provision of this Act
6 takes effect January 1, 2012:

7 1. The section of this Act repealing section 514C.28.

8 EXPLANATION

9 This bill creates new Code section 514C.24 which requires
10 certain group health insurance policies, contracts, or plans to
11 provide coverage benefits for the diagnosis and treatment of
12 autism spectrum disorders. The new provision is applicable to
13 group health policies, contracts, or plans issued to employers
14 with more than 50 employees and to health plans established
15 under Code chapter 509A for public employees. Coverage
16 benefits are required for covered individuals under 21 years
17 of age.

18 "Autism spectrum disorders" includes autistic disorder,
19 Asperger's disorder, and pervasive developmental disorders
20 not otherwise specified, as defined by the commissioner of
21 insurance by rule consistent with definitions provided in the
22 most recent edition of the American psychiatric association's
23 diagnostic and statistical manual of mental disorders.

24 Required coverage for the diagnosis and treatment of autism
25 spectrum disorders must be not less than \$36,000 per year and
26 without limits on the number of visits to an autism service
27 provider. Beginning in 2015, the commissioner is required to
28 make annual adjustments to the maximum benefit required equal
29 to the change in the United States department of labor consumer
30 price index. Payments made on behalf of a covered individual
31 that are unrelated to or distinguishable from the individual's
32 autism spectrum disorder cannot be applied toward this maximum
33 benefit.

34 Coverage of autism spectrum disorders under the new Code
35 section is to be provided in coordination with coverage



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate File 64 - Introduced continued

8 1 required for the treatment of autistic disorders pursuant to
8 2 Code section 514C.22. The Code section shall not be construed
8 3 to limit benefits otherwise available to an individual under a
8 4 group health policy, contract, or plan.
8 5 The commissioner, in consultation with the board of
8 6 medicine, is required to adopt rules for the certification
8 7 of behavior specialists who design, implement, or evaluate
8 8 behavior modification intervention components of treatment
8 9 plans for autism spectrum disorders that are developed by a
8 10 licensed physician or licensed psychologist.
8 11 The new Code section applies to third-party payment provider
8 12 policies, contracts, or plans, and to plans established
8 13 pursuant to Code chapter 509A that are delivered, issued for
8 14 delivery, continued, or renewed in this state on or after
8 15 January 1, 2012.
8 16 Code section 514C.28, which currently mandates coverage
8 17 for autism spectrum disorders only in group plans established
8 18 pursuant to Code chapter 509A for state employees, is repealed
8 19 effective January 1, 2012.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate File 65 - Introduced

SENATE FILE

BY ZAUN, BEHN, JOHNSON,
SORENSEN, and SEYMOUR

A BILL FOR

1 An Act requiring public libraries that receive state funding to
2 adopt a policy restricting the content of video materials
3 borrowed by children under seventeen years of age.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1700XS (3) 84
kh/nh



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate File 65 - Introduced continued

PAG LIN

1 1 Section 1. Section 256.51, subsection 1, Code 2011, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. 1. Require a public library that receives
1 4 state funds to adopt a policy to restrict the content of video
1 5 materials a child under seventeen years of age may borrow from
1 6 the library to those video cassettes or digital video discs
1 7 that receive a G, PG, or PG=13 rating under the motion picture
1 8 association of America's rating system.

1 9 EXPLANATION

1 10 This bill requires the division of libraries and information
1 11 services within the department of education to require a public
1 12 library that receives state funds to adopt a policy restricting
1 13 the content of video materials a child under 17 years of age
1 14 may borrow from the library.

LSB 1700XS (3) 84

kh/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate File 66 - Introduced

SENATE FILE
BY SCHOENJAHN

A BILL FOR

1 An Act relating to the use of statewide school infrastructure
2 funding.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1864XS (4) 84
md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate File 66 - Introduced continued

PAG LIN

1 1 Section 1. Section 297.22, subsection 2, paragraph a, Code
1 2 2011, is amended to read as follows:

1 3 a. The board of directors of a school district may sell,
1 4 lease, exchange, give, or grant, and accept any interest
1 5 in real property to, with, or from a county, municipal
1 6 corporation, school district, community college for a joint
1 7 infrastructure project authorized under section 423F.3,
1 8 subsection 3, paragraph "a", township, or area education agency
1 9 if the real property is within the jurisdiction of both the
1 10 grantor and grantee.

1 11 Sec. 2. Section 423F.3, subsection 3, paragraph a, Code
1 12 2011, is amended to read as follows:

1 13 a. If the board of directors adopts a resolution to use
1 14 funds received under the operation of this chapter ~~solely~~
1 15 for providing property tax relief by reducing indebtedness
1 16 from the levies specified under section 298.2 or 298.18 or,
1 17 notwithstanding the requirement that a school district have
1 18 exclusive jurisdiction in all matters within the territory
1 19 of the school district under section 274.1, for a joint
1 20 infrastructure project with one or more school districts or
1 21 one or more school districts and an Iowa community college,
1 22 the board of directors may approve a revenue purpose statement
1 23 for ~~that purpose~~ such purposes without submitting the revenue
1 24 purpose statement to a vote of the electors.

1 25 EXPLANATION

1 26 This bill authorizes the board of directors of a school
1 27 district, by resolution, to use local sales and services
1 28 tax revenue received under Code chapter 423F for a joint
1 29 infrastructure project with one or more school districts or
1 30 one or more school districts and an Iowa community college,
1 31 following approval of a revenue purpose statement, without
1 32 submitting the revenue purpose statement approving such use of
1 33 funds to a vote of the electors.

1 34 The bill adds community colleges to the list of entities
1 35 that a board of directors of a school district may sell, lease,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate File 66 - Introduced continued

2 1 exchange, give, or grant, and accept any interest in real
2 2 property to, with, or from if the real property is within the
2 3 jurisdiction of both the grantor and grantee and it is for a
2 4 joint infrastructure project with one or more school districts
2 5 and an Iowa community college.

LSB 1864XS (4) 84

md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate File 67 - Introduced

SENATE FILE
BY BEALL

A BILL FOR

1 An Act relating to the description of shared operational
2 functions for which school districts receive supplementary
3 weighting and including effective date and applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1626XS (4) 84
md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate File 67 - Introduced continued

PAG LIN

1 1 Section 1. Section 257.11, subsection 6, paragraph a, Code
1 2 2011, is amended to read as follows:

1 3 a. In order to provide additional funding to increase
1 4 student opportunities and redirect more resources to student
1 5 programming for school districts that share operational
1 6 functions, a supplementary weighting of two hundredths per
1 7 pupil shall be assigned to pupils enrolled in a district that
1 8 shares with a political subdivision one or more operational
1 9 functions in the areas of superintendent management, business
1 10 management, human resources, transportation, curriculum
1 11 management, or operation and maintenance for at least twenty
1 12 percent of the school year. The additional weighting shall be
1 13 assigned for each discrete operational function shared. For
1 14 the purposes of this section, "political subdivision" means a
1 15 city, township, county, school corporation, merged area, area
1 16 education agency, institution governed by the state board of
1 17 regents, or any other governmental subdivision.

1 18 Sec. 2. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. This
1 19 Act, being deemed of immediate importance, takes effect upon
1 20 enactment and applies to school budget years beginning on or
1 21 after July 1, 2011.

1 22 EXPLANATION

1 23 This bill adds curriculum management to the list of
1 24 operational functions that school districts may receive
1 25 supplementary weighting incentives for when the school district
1 26 shares such operational functions with a political subdivision.

1 27 The bill takes effect upon enactment and applies to school
1 28 budget years beginning on or after July 1, 2011.

LSB 1626XS (4) 84

md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate File 68 - Introduced

SENATE FILE

BY ZAUN, HAHN, FEENSTRA,
CHELGREN, JOHNSON,
KAPUCIAN, SORENSON,
SEYMOUR, and BEHN

A BILL FOR

1 An Act relating to public employers providing office space to
2 employee organizations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1715XS (3) 84
je/rj



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate File 68 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 20.26A Employee organizations ====
1 2 office space.
1 3 A public employer shall not provide an employee organization
1 4 with office space under the control of the public employer
1 5 at a cost that is less than the market value of a lease for
1 6 comparable office space.

1 7 EXPLANATION
1 8 This bill provides that a public employer shall not provide
1 9 office space to an employee organization at a rate less than
1 10 market value.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate File 69 - Introduced

SENATE FILE

BY ZAUN, BEHN, HAHN,
FEENSTRA, CHELGREN,
JOHNSON, KAPUCIAN,
SORENSEN, WARD, SMITH,
and SEYMOUR

A BILL FOR

1 An Act relating to unfunded federal mandates related to federal
2 health care reforms and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1716XS (4) 84
av/nh



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate File 69 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 1.19 Federal health care reforms
1 2 ==== unfunded federal mandates.
1 3 1. It is the intent of the general assembly to affirm the
1 4 power of this state under the Tenth Amendment to the United
1 5 States Constitution to exercise those powers reserved to the
1 6 states including but not limited to providing state=based
1 7 regulation of the health insurance market, providing aggressive
1 8 oversight of all aspects of this market, and enforcing consumer
1 9 protection as well as ensuring a local, responsive presence for
1 10 Iowa consumers.
1 11 2. If, on or after the effective date of this Act, the
1 12 United States Congress enacts, effectuates, or otherwise
1 13 imposes a mandate that requires the state to engage in any
1 14 new activity, to provide any new service, or to provide any
1 15 service beyond that required by any law enacted or requirement
1 16 otherwise imposed prior to the effective date of this Act
1 17 related to regulation of the health insurance market, and the
1 18 United States Congress does not appropriate moneys to fully
1 19 fund the cost of the mandate or other requirement, the state is
1 20 not required to perform the activity or provide the service and
1 21 the state shall not be subject to the imposition of any fines
1 22 or penalties for failure to comply with the federal mandate or
1 23 other requirement.
1 24 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 25 immediate importance, takes effect upon enactment.
1 26 EXPLANATION
1 27 This bill affirms the intent of the general assembly to
1 28 exercise those powers reserved to the states, including
1 29 but not limited to providing state=based regulation of the
1 30 health insurance market, providing aggressive oversight of
1 31 this market, and enforcing consumer protection and a local,
1 32 responsive presence for Iowa consumers.
1 33 The bill provides that if the United States Congress enacts,
1 34 effectuates, or otherwise imposes a mandate that requires
1 35 the state to engage in any new activity or provide any new



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate File 69 - Introduced continued

2 1 or expanded service and does not appropriate moneys to fully
2 2 fund the cost of the mandate or other requirement, the state
2 3 is not required to perform the activity or provide the service
2 4 and shall not be subject to the imposition of any fines or
2 5 penalties for failure to do so. The bill is effective upon
2 6 enactment.

LSB 1716XS (4) 84

av/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate File 70 - Introduced

SENATE FILE
BY DANDEKAR

A BILL FOR

1 An Act relating to licensure by the board of educational
2 examiners of persons who complete an administrator
3 preparation program offered by a recognized non-Iowa
4 institution.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLBSB 1476XS (4) 84
kh/nh



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate File 70 - Introduced continued

PAG LIN

1 1 Section 1. Section 272.8, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 4. a. An applicant who, prior to May
1 4 1, 2009, enrolled in an administrator preparation program
1 5 offered by an out-of-state institution approved by the board
1 6 in accordance with subsection 3, and who completes the program
1 7 prior to December 15, 2011, shall be eligible for licensure as
1 8 provided in 282 IAC 18.3, 18.4, and 18.6, in effect on October
1 9 1, 2009.
1 10 b. The board shall notify all persons who meet the
1 11 requirements of paragraph "a" and who apply for an administrator
1 12 license between May 1, 2009, and December 31, 2011, of their
1 13 limited eligibility for licensure and of the application
1 14 deadline provided under this subsection, and shall post such
1 15 notification on its website.
1 16 c. This subsection is repealed July 1, 2012.
1 17 EXPLANATION
1 18 This bill provides that a person who enrolled in an
1 19 administrator preparation program offered by an approved
1 20 out-of-state institution prior to May 1, 2009, and who
1 21 completes the program prior to December 15, 2011, is eligible
1 22 to be licensed by the board of educational examiners under the
1 23 administrative rules in place on October 1, 2009. The bill
1 24 also requires the board to notify eligible applicants, who
1 25 apply for an administrator license between May 1, 2009, and
1 26 December 31, 2011, of their limited eligibility for licensure
1 27 and of the application deadline, and must post the notification
1 28 on its website.
1 29 Modifications to the board's administrative rules affecting
1 30 applicants for administrator exchange licenses who attended
1 31 recognized non-Iowa institutions took effect October 14, 2009.
1 32 The rules as modified require the applicant to hold a valid
1 33 regular administrator certificate or license in the state in
1 34 which the preparation was completed. Also, the initial license
1 35 issued under the prior rule was a two-year license, while under



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate File 70 - Introduced continued

2 1 the current rule it is a one=year license.
2 2 The Code provision created by the bill is repealed July 1,
2 3 2012.
LSB 1476XS (4) 84
kh/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate File 71 - Introduced

SENATE FILE
BY DVORSKY

A BILL FOR

1 An Act providing for waivers of certain community attraction
2 and tourism program requirements and including retroactive
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1692XS (4) 84
tw/sc



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate File 71 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 15F.207 Waivers of matching funds
1 2 requirements.
1 3 1. An applicant for financial assistance under the
1 4 provisions of this subchapter may apply to the vision Iowa
1 5 board for a waiver of any local or private matching moneys
1 6 required of the applicant by the board pursuant to section
1 7 15F.202.
1 8 2. To qualify for a waiver pursuant to this section, an
1 9 applicant shall meet all of the following requirements:
1 10 a. The applicant shall be located in an area declared a
1 11 disaster area by the governor or by a federal official.
1 12 b. The applicant shall apply for the waiver within two years
1 13 of the date the disaster declaration was issued.
1 14 c. The applicant shall demonstrate that a waiver is
1 15 necessary as a result of the natural disaster. For the
1 16 purposes of this paragraph, a waiver shall be considered
1 17 necessary if the disaster has materially contributed to
1 18 difficulties in financing the applicant's project.
1 19 3. The board may grant a waiver for all or a portion of the
1 20 amount requested to be waived pursuant to this section.
1 21 4. The board may place reasonable conditions or
1 22 requirements specific to the project on any applicant receiving
1 23 a waiver pursuant to this section.
1 24 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
1 25 retroactively to July 1, 2010, for applicants applying on or
1 26 after that date whose applications are still pending before the
1 27 vision Iowa board.
1 28 EXPLANATION
1 29 This bill provides for waivers of the matching funds
1 30 requirements for applicants under the community attraction and
1 31 tourism program and the river enhancement community attraction
1 32 and tourism program if the applicants are located in declared
1 33 disaster areas.
1 34 In 2009, the general assembly passed Senate File 336
1 35 providing for such waivers, but only between July 1, 2009, and



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate File 71 - Introduced continued

2 1 June 30, 2010. In order to extend the availability of waivers
2 2 for the remainder of calendar year 2010, the bill applies
2 3 retroactively to July 1, 2010, for applicants applying on or
2 4 after that date whose applications are still pending before the
2 5 vision Iowa board.

LSB 1692XS (4) 84

tw/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate File 72 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB
1015)

A BILL FOR

1 An Act relating to professions which may practice together
2 in professional limited liability companies and including
3 effective and applicability date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1503SV (1) 84
jr/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate File 72 - Introduced continued

PAG LIN

1 1 Section 1. Section 489.1101, subsection 4, Code 2011, is
1 2 amended to read as follows:

1 3 4. "Profession" means the profession of certified public
1 4 accountancy, architecture, chiropractic, dentistry, physical
1 5 therapy, practice as a physician assistant, psychology,
1 6 professional engineering, land surveying, landscape
1 7 architecture, law, medicine and surgery, optometry, osteopathic
1 8 medicine and surgery, accounting practitioner, podiatry, real
1 9 estate brokerage, speech pathology, audiology, veterinary
1 10 medicine, pharmacy, nursing, or marital and family therapy,
1 11 provided that the marital and family therapist is licensed
1 12 under chapters 147 and 154D.

1 13 Sec. 2. Section 489.1102, Code 2011, is amended to read as
1 14 follows:

1 15 489.1102 Purposes and powers.

1 16 1. A professional limited liability company shall be
1 17 organized only for the purpose of engaging in the practice of
1 18 one specific profession, or two or more specific professions
1 19 which could lawfully be practiced in combination by a licensed
1 20 individual or a partnership of licensed individuals, and for
1 21 the additional purpose of doing all lawful things which may be
1 22 incidental to or necessary or convenient in connection with the
1 23 practice of the profession or professions. The certificate of
1 24 organization of a professional limited liability company shall
1 25 state in substance that the purposes for which the professional
1 26 limited liability company is organized are to engage in the
1 27 general practice of a specified profession or professions, or
1 28 one or more specified branches or divisions thereof, and to do
1 29 all lawful things which may be incidental to or necessary or
1 30 convenient in connection with the practice of the profession
1 31 or professions.

1 32 2. a. For purposes of this section, medicine and surgery,
1 33 osteopathic medicine and surgery, and practice as a physician
1 34 assistant shall be deemed to be professions which could
1 35 lawfully be practiced in combination by licensed individuals or



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate File 72 - Introduced continued

2 1 a partnership of licensed individuals.

2 2 b. Nothing in this section shall be construed to expand
2 3 the scope of practice of a physician assistant or modify the
2 4 requirement in section 148C.4 that a physician assistant
2 5 perform medical services under the supervision of a licensed
2 6 physician.

2 7 Sec. 3. Section 489.1105, Code 2011, is amended to read as
2 8 follows:

2 9 489.1105 Practice by professional limited liability company.

2 10 1. Notwithstanding any other statute or rule of law,
2 11 a professional limited liability company may practice a
2 12 profession, but may do so in this state only through a member,
2 13 manager, employee, or agent, who is licensed to practice
2 14 the same profession in this state. In its practice of a
2 15 profession, a professional limited liability company shall not
2 16 do any act which could not lawfully be done by an individual
2 17 licensed to practice the profession which the professional
2 18 limited liability company is authorized to practice.

2 19 2. a. This section shall not prohibit persons practicing
2 20 medicine and surgery, persons practicing osteopathic medicine
2 21 and surgery, or persons practicing as physician assistants from
2 22 practicing their respective professions in lawful combination
2 23 pursuant to section 489.1102.

2 24 b. Nothing in this section shall be construed to expand
2 25 the scope of practice of a physician assistant or modify the
2 26 requirement in section 148C.4 that a physician assistant
2 27 perform medical services under the supervision of a licensed
2 28 physician.

2 29 Sec. 4. Section 489.1114, Code 2011, is amended to read as
2 30 follows:

2 31 489.1114 Management.

2 32 All managers of a professional limited liability company
2 33 shall at all times be individuals who are licensed to
2 34 practice a profession in this state or a lawful combination of
2 35 professions pursuant to section 489.1102, which the limited



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate File 72 - Introduced continued

3 1 liability company is authorized to practice. A person who
3 2 is not licensed shall have no authority or duties in the
3 3 management or control of the professional limited liability
3 4 company. If a manager ceases to have this qualification, the
3 5 manager shall immediately and automatically cease to hold such
3 6 management position.

3 7 Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
3 8 immediate importance, takes effect upon enactment.

3 9 Sec. 6. RETROACTIVE APPLICABILITY. This Act applies
3 10 retroactively to January 1, 2011.

3 11 EXPLANATION

3 12 This bill allows physician assistants to form professional
3 13 limited liability companies and to practice with persons
3 14 practicing medicine and surgery and persons practicing
3 15 osteopathic medicine and surgery by jointly forming a
3 16 professional limited liability company.

3 17 The bill corresponds to changes made by 2010 Iowa Acts, ch.
3 18 1131, to Code chapter 490A, which regulated limited liability
3 19 companies prior to its repeal effective December 31, 2010.

3 20 The bill is made effective upon enactment and applies
3 21 retroactively to January 1, 2011.

LSB 1503SV (1) 84

jr/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate File 73 - Introduced

SENATE FILE

BY ZAUN, WARD, HAHN,
FEENSTRA, JOHNSON,
KAPUCIAN, SORENSON,
and SEYMOUR

A BILL FOR

1 An Act exempting from the sales tax the sales price of a
2 physical exercise club contract.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1022SS (4) 84
tw/sc



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate File 73 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.3, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 96. The sales price of a physical exercise
1 4 club contract. For purposes of this subsection, "physical
1 5 exercise club contract" means the same as defined in section
1 6 552.1, and "sales price" includes "contract price" as defined
1 7 in section 552.1.

1 8 EXPLANATION

1 9 This bill creates a sales tax exemption for physical
1 10 exercise club contracts. The term "physical exercise club
1 11 contract" is defined in Code section 552.1 and means an
1 12 agreement by which a buyer is entitled to membership in a
1 13 physical exercise club or use of the services or facilities
1 14 of a physical exercise club. The exemption applies to the
1 15 "sales price" of such contracts, which is defined in Code
1 16 section 423.1. However, because Code section 552.1 uses
1 17 the term "contract price" in relation to physical exercise
1 18 club contracts, the definition of the term "sales price" is
1 19 supplemented for purposes of the exemption to include the
1 20 meaning of "contract price."

1 21 By operation of Code section 423.6, an item exempt from the
1 22 imposition of the sales tax is also exempt from the use tax
1 23 imposed in Code section 423.5.

LSB 1022SS (4) 84

tw/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate Joint Resolution 4 - Introduced

SENATE JOINT RESOLUTION
BY ZAUN, FEENSTRA,
CHELGREN, and SORENSON

SENATE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa to change the length of term of office
3 and limit the term of service of members of the general
4 assembly.
5 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1726XS (4) 84
aw/rj



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate Joint Resolution 4 - Introduced continued

PAG LIN

1 1 Section 1. The following amendment to the Constitution of
1 2 the State of Iowa is proposed:
1 3 1. Section 3 of Article III of the Constitution of the State
1 4 of Iowa is repealed and the following adopted in lieu thereof:
1 5 Representatives ==== classification.SEC. 3. The members of
1 6 the house of representatives shall be chosen by the qualified
1 7 electors of their respective districts, and their term of
1 8 office shall commence on the first day of January following
1 9 their election which is not a Sunday or legal holiday, and
1 10 continue four years, and until their successors are elected and
1 11 qualified. Representatives shall be classified by statute so
1 12 that as nearly as possible one-half of the members of the house
1 13 of representatives shall be elected every two years. A person
1 14 shall not be elected for a term as representative if the term
1 15 would result in more than a total of twelve years of service as
1 16 a representative. If a person is elected to serve a portion
1 17 of a term to which some other person was elected but that
1 18 person died in office or resigned from office or was otherwise
1 19 removed from office, those years served shall not be included
1 20 in the years of service for purposes of this limitation. This
1 21 limitation on the years of service shall only apply to terms of
1 22 office beginning on or after January 1, 2017.
1 23 The general assembly shall make such changes in the
1 24 law governing the time of election and terms of office of
1 25 representatives as shall be necessary to make the time of their
1 26 election and terms of office conform to this amendment.
1 27 2. Section 5 of Article III of the Constitution of the State
1 28 of Iowa is repealed and the following adopted in lieu thereof:
1 29 Senators ==== qualifications.SEC. 5. Senators shall be
1 30 chosen for a term of six years, at the same time and place as
1 31 representatives; they shall be at least twenty-five years of
1 32 age, and possess the qualifications of representatives as to
1 33 residence and citizenship. A person shall not be elected for a
1 34 term as senator if the term would result in more than a total of
1 35 twelve years of service as a senator. If a person is elected



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate Joint Resolution 4 - Introduced continued

2 1 to serve a portion of a term to which some other person was
2 2 elected but that person died in office or resigned from office
2 3 or was otherwise removed from office, those years served shall
2 4 not be included in the years of service for purposes of this
2 5 limitation. This limitation on the years of service shall only
2 6 apply to terms of office beginning on or after January 1, 2017.
2 7 The general assembly shall make such changes in the law
2 8 governing the time of election and terms of office of senators
2 9 as shall be necessary to make the time of their election and
2 10 terms of office conform to this amendment.
2 11 3. Section 6 of Article III of the Constitution of the State
2 12 of Iowa, as amended by amendment number 3 of the Amendments of
2 13 1968, is repealed and the following adopted in lieu thereof:
2 14 Senators ==== number and classification. SEC. 6. The number of
2 15 senators shall total not more than one-half the membership of
2 16 the house of representatives. Senators shall be classified by
2 17 statute so that as nearly as possible one-third of the members
2 18 of the senate shall be elected every two years.
2 19 4. Section 35 of Article III of the Constitution of the
2 20 State of Iowa, as amended by amendment number 4 of Amendments
2 21 of 1868, amendment number 2 of the Amendments of 1904, and
2 22 amendment number 3 of the Amendments of 1968, is repealed and
2 23 the following adopted in lieu thereof:
2 24 Senators and representatives ==== number and districts. SEC.
2 25 35. The general assembly shall in each year immediately
2 26 following the United States decennial census determine the
2 27 number of senators and representatives to be elected to the
2 28 general assembly and establish senatorial and representative
2 29 districts. The general assembly shall complete the
2 30 apportionment prior to September 1 of the year so required.
2 31 If the apportionment fails to become law prior to September
2 32 15 of such year, the supreme court shall cause the state to
2 33 be apportioned into senatorial and representative districts
2 34 to comply with the requirements of the constitution prior to
2 35 December 31 of such year. The reapportioning authority shall,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate Joint Resolution 4 - Introduced continued

3 1 where necessary in establishing senatorial and representative
3 2 districts, shorten the term of any senator or representative
3 3 prior to completion of the term. Any senator or representative
3 4 whose term is so terminated shall not be compensated for the
3 5 uncompleted part of the term.

3 6 Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment
3 7 to the Constitution of the State of Iowa is referred to the
3 8 general assembly to be chosen at the next general election
3 9 for members of the general assembly, and the secretary of
3 10 state is directed to cause the same to be published for three
3 11 consecutive months previous to the date of that election as
3 12 provided by law.

3 13 EXPLANATION

3 14 This joint resolution proposes a constitutional amendment
3 15 relating to length of term and term of service for members of
3 16 the general assembly. The amendment provides that the length
3 17 of term of office for members of the house of representatives
3 18 shall be four years and for members of the senate the length
3 19 of term of office shall be six years. The amendment provides
3 20 that one-third of the members of the senate and one-half of
3 21 the members of the house of representatives are to be elected
3 22 every two years. The amendment also provides that members of
3 23 the Iowa house of representatives shall not serve more than 12
3 24 years as a representative and that members of the Iowa senate
3 25 shall not serve more than 12 years as a senator. If a person
3 26 serves a portion of a term to which some other person was
3 27 elected, the partial term shall not be included in the years
3 28 of service. The limitation on the years of service shall only
3 29 apply to terms of office beginning on or after January 1, 2017.

3 30 The resolution, if adopted, would be referred to the next
3 31 general assembly before being submitted to the electorate for
3 32 ratification.

LSB 1726XS (4) 84

aw/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate Study Bill 1032

SENATE FILE

BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON RIELLY)

A BILL FOR

1 An Act relating to intermediate driver's licenses and special
2 minor's licenses, making a penalty applicable, and including
3 effective date provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1549XC (3) 84

dea/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate Study Bill 1032 continued

PAG LIN

1 1 Section 1. Section 321.180B, subsections 2 and 3, Code 2011,
1 2 are amended to read as follows:

1 3 2. Intermediate license.

1 4 a. The department may issue an intermediate driver's license
1 5 to a person sixteen or seventeen years of age who possesses an
1 6 instruction permit issued under subsection 1 or a comparable
1 7 instruction permit issued by another state for a minimum of
1 8 ~~six~~ twelve months immediately preceding application, and
1 9 who presents an affidavit signed by a parent, guardian, or
1 10 custodian on a form to be provided by the department that the
1 11 permittee has accumulated a total of twenty hours of street
1 12 or highway driving of which two hours were conducted after
1 13 sunset and before sunrise and the street or highway driving was
1 14 with the permittee's parent, guardian, custodian, instructor,
1 15 a person certified by the department, or a person at least
1 16 twenty=five years of age who had written permission from a
1 17 parent, guardian, or custodian to accompany the permittee, and
1 18 whose driving privileges have not been suspended, revoked,
1 19 or barred under this chapter or chapter 321J during, and
1 20 who has been accident and violation free continuously for,
1 21 the ~~six-month~~ twelve-month period immediately preceding
1 22 the application for an intermediate license. An applicant
1 23 for an intermediate license must meet the requirements of
1 24 section 321.186, including satisfactory completion of driver
1 25 education as required in section 321.178, and payment of the
1 26 required license fee before an intermediate license will be
1 27 issued. A Unless accompanied in accordance with subsection 1,
1 28 a person issued an intermediate license must limit the number
1 29 of unrelated minor passengers in the motor vehicle when the
1 30 intermediate licensee is operating the motor vehicle to the
~~1 31 number of passenger safety belts one. For purposes of this~~
1 32 subsection, "unrelated minor passenger" means a passenger who is
1 33 under twenty=one years of age and who is not a sibling of the
1 34 driver, a stepsibling of the driver, or a child who resides in
1 35 the same household as the driver.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate Study Bill 1032 continued

2 1 b. Except as otherwise provided, a person issued an
2 2 intermediate license under this subsection who is operating a
2 3 motor vehicle between the hours of ~~12:30 a.m.~~ 10:00 p.m. and
2 4 5:00 a.m. must be accompanied by a person issued a driver's
2 5 license valid for the vehicle operated who is the parent,
2 6 guardian, or custodian of the ~~permittee~~ intermediate licensee,
2 7 a member of the ~~permittee's~~ intermediate licensee's immediate
2 8 family if the family member is at least twenty=one years of
2 9 age, an approved driver education instructor, a prospective
2 10 driver education instructor who is enrolled in a practitioner
2 11 preparation program with a safety education program approved by
2 12 the state board of education, or a person at least twenty=five
2 13 years of age if written permission is granted by the parent,
2 14 guardian, or custodian, and who is actually occupying a seat
2 15 beside the driver. However, a licensee may operate a vehicle
2 16 to and from school=related extracurricular activities and work
2 17 without an accompanying driver between the hours of ~~12:30~~
~~2 18 a.m.~~ 10:00 p.m. and 5:00 a.m. if ~~such~~ the licensee possesses
2 19 a waiver on a form to be provided by the department. An
2 20 accompanying driver is not required between the hours of 5:00
2 21 a.m. and ~~12:30 a.m.~~ 10:00 p.m.
2 22 3. Remedial driver improvement action ==== suspension of
2 23 permit, intermediate license, or full license. A person who has
2 24 been issued an instruction permit, an intermediate license, or
2 25 a full driver's license under this section, upon conviction of
2 26 a moving traffic violation or involvement in a motor vehicle
2 27 accident which occurred during the term of the instruction
2 28 permit or intermediate license, shall be subject to remedial
2 29 driver improvement action or suspension of the permit or
2 30 current license. A person possessing an instruction permit who
2 31 has been convicted of a moving traffic violation or has been
2 32 involved in an accident shall not be issued an intermediate
2 33 license until the person has completed the remedial driver
2 34 improvement action and has been accident and violation free
2 35 continuously for the ~~six=month~~ twelve=month period immediately



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate Study Bill 1032 continued

3 1 preceding the application for the intermediate license. A
3 2 person possessing an intermediate license who has been
3 3 convicted of a moving traffic violation or has been involved in
3 4 an accident shall not be issued a full driver's license until
3 5 the person has completed the remedial driver improvement action
3 6 and has been accident and violation free continuously for the
3 7 twelve=month period immediately preceding the application for a
3 8 full driver's license.

3 9 Sec. 2. Section 321.194, subsection 1, Code 2011, is amended
3 10 by adding the following new paragraph:

3 11 NEW PARAGRAPH. 0b. Unless accompanied in accordance with
3 12 section 321.180B, subsection 1, a person issued a driver's
3 13 license pursuant to this section must limit the number of
3 14 unrelated minor passengers in the motor vehicle when the
3 15 licensee is operating the motor vehicle to one. For purposes
3 16 of this section, "unrelated minor passenger" means a passenger
3 17 who is under twenty=one years of age and who is not a sibling of
3 18 the driver, a stepsibling of the driver, or a child who resides
3 19 in the same household as the driver.

3 20 Sec. 3. EFFECTIVE DATE. This Act takes effect January 1,
3 21 2012.

3 22 EXPLANATION

3 23 This bill amends provisions relating to intermediate
3 24 driver's licenses under the graduated driver licensing program
3 25 and to special minor's licenses issued for travel to and from
3 26 school.

3 27 Under the graduated driver licensing program, a person who
3 28 is 16 or 17 years of age must possess an instruction permit
3 29 for a minimum of six months and be accident and violation
3 30 free continuously during that six=month period to qualify for
3 31 an intermediate license. The bill increases the required
3 32 period of possession of an instruction permit to 12 months
3 33 and requires the person to be accident and violation free
3 34 continuously during that 12=month period. The bill requires
3 35 that a person with an intermediate license who is operating a



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate Study Bill 1032 continued

4 1 motor vehicle between the hours of 10:00 p.m. and 5:00 a.m.
4 2 be accompanied by a person licensed to drive the vehicle
4 3 operated who is the parent, guardian, or custodian of the
4 4 intermediate licensee, a family member who is at least 21
4 5 years of age, an approved driver education instructor, a
4 6 prospective driver education instructor who is enrolled in
4 7 a qualifying practitioner preparation program, or a person
4 8 at least 25 years of age with the written permission of the
4 9 parent, guardian, or custodian of the intermediate licensee and
4 10 who is occupying a seat beside the driver. If the intermediate
4 11 licensee is operating a motorcycle, the accompanying person
4 12 must be on or in a different motor vehicle and be within
4 13 audible and visual communication distance from the intermediate
4 14 licensee. Existing law requires an intermediate licensee to be
4 15 accompanied when driving between the hours of 12:30 a.m. and
4 16 5:00 a.m.

4 17 Under current law, an intermediate licensee may transport
4 18 as many passengers as there are seatbelts in the vehicle, but
4 19 there is no passenger restriction specified for a driver with
4 20 a special minor's license. The bill imposes new passenger
4 21 restrictions for licensees in both categories. Unless
4 22 accompanied by a licensed driver as described above, a person
4 23 with an intermediate license or a special minor's license may
4 24 not operate a motor vehicle with more than one unrelated minor
4 25 passenger in the vehicle. The bill defines "unrelated minor
4 26 passenger" as a passenger under 21 years of age who is not a
4 27 sibling or stepsibling of the driver or a child who resides in
4 28 the same household as the driver.

4 29 A violation of intermediate driver's license restrictions or
4 30 special minor's license restrictions is a simple misdemeanor
4 31 punishable by a scheduled fine of \$50.

4 32 The bill takes effect January 1, 2012.

LSB 1549XC (3) 84

dea/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate Study Bill 1033

SENATE FILE

BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON BOLKCOM)

A BILL FOR

1 An Act relating to the definition of agricultural property for
2 property taxation purposes.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1492XC (2) 84
md/sc



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate Study Bill 1033 continued

PAG LIN

1 1 Section 1. Section 441.21, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 13. a. Beginning with valuations
1 4 established on or after January 1, 2012, as used in this
1 5 section, "agricultural property" shall not include any parcel
1 6 of real estate upon which a building that is primarily used or
1 7 intended for human habitation is located unless such parcel is
1 8 in good faith used primarily for agricultural purposes and one
1 9 of the following conditions are met:
1 10 (1) The parcel and the improvements and structures located
1 11 on such parcel, other than the building used or intended for
1 12 human habitation, are used for the production of not less than
1 13 ten acres of row crops. For purposes of this section, "row
1 14 crops" includes acres under the conservation reserve enhancement
1 15 program or the conservation buffer strip program under chapter
1 16 466 and the federal conservation reserve program, but does not
1 17 include acres used for hay production unless such acres are
1 18 part of crop rotation that includes row crops in the rotation.
1 19 (2) The parcel of real estate and the improvements and
1 20 structures located on such parcel, other than the building
1 21 used or intended for human habitation, produce a five-year
1 22 average of not less than two thousand dollars of net income per
1 23 year from farming or ranching. The assessor shall consider
1 24 initial start-up costs and other relevant short-term commodity
1 25 market factors when classifying a parcel of real estate that
1 26 has not produced a five-year average net income per year of two
1 27 thousand dollars or more from farming or ranching. Net income
1 28 produced by the parcel of real estate shall be certified to the
1 29 assessor on forms prescribed by the department.
1 30 b. Contiguous parcels that are owned by the same taxpayer
1 31 may be combined for determining the primary use, number of
1 32 acres used for the production of row crops, or net income from
1 33 farming or ranching under paragraph "a".
1 34 c. A building primarily used or intended for human
1 35 habitation that is located on a parcel classified as



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011**

Senate Study Bill 1033 continued

2 1 agricultural property pursuant to the requirements of paragraph
2 2 "a" shall be valued as rural residential property pursuant to
2 3 subsection 6.

2 4 EXPLANATION

2 5 This bill amends the definition of agricultural property for
2 6 property taxation purposes.

2 7 The bill provides that beginning with real property
2 8 valuations established on or after January 1, 2012,
2 9 agricultural property shall not include any parcel of real
2 10 estate upon which a building that is primarily used or intended
2 11 for human habitation is located unless that parcel is in good
2 12 faith used primarily for agricultural purposes and the parcel
2 13 and the improvements and structures located on such parcel,
2 14 other than the building used or intended for human habitation,
2 15 are used for the production of not less than 10 acres of row
2 16 crops or produce a five-year average of not less than \$2,000
2 17 per year of net income from farming or ranching.

2 18 The bill includes provisions relating to the definition
2 19 of row crops and requires the county assessor to consider
2 20 specified factors for parcels of real estate that do not meet
2 21 the net income requirements of the bill.

2 22 The bill allows contiguous parcels that are owned by the same
2 23 taxpayer to be combined for determining the primary use, number
2 24 of acres used for the production of row crops, or net income
2 25 from farming or ranching.

2 26 The bill also provides that any building located on a parcel
2 27 that is classified as agricultural property pursuant to the
2 28 requirements of the bill and that is primarily used or intended
2 29 for human habitation shall be classified as rural residential
2 30 property for property taxation purposes and assessed in the
2 31 same manner as all other residential property.

LSB 1492XC (2) 84

md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate Study Bill 1034

SENATE FILE
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON
WILHELM)

A BILL FOR

1 An Act expanding Iowa communications network access to include
2 counties and county governmental units.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1825SC (4) 84
rn/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate Study Bill 1034 continued

PAG LIN

1 1 Section 1. Section 8D.2, subsection 5, Code 2011, is amended
1 2 to read as follows:

1 3 5. a. "Public agency" means a state agency, an institution
1 4 under the control of the board of regents, the judicial
1 5 branch as provided in section 8D.13, subsection 16, a school
1 6 corporation, a county, a city library, a library service area
1 7 as provided in chapter 256, a county library as provided in
1 8 chapter 336, or a judicial district department of correctional
1 9 services established in section 905.2, to the extent provided
1 10 in section 8D.13, subsection 14, an agency of the federal
1 11 government, or a United States post office which receives a
1 12 federal grant for pilot and demonstration projects.

1 13 b. For the purposes of this chapter, "public agency"
1 14 also includes any homeland security or defense facility or
1 15 disaster response agency established by the administrator of
1 16 the homeland security and emergency management division of the
1 17 department of public defense or the governor or any facility
1 18 connected with a security or defense system or disaster
1 19 response as required by the administrator of the homeland
1 20 security and emergency management division of the department of
1 21 public defense or the governor.

1 22 c. For the purposes of this chapter, a "county" referred to
1 23 in paragraph "a" includes departments, boards, commissions, and
1 24 other governmental units of the county.

1 25 Sec. 2. Section 8D.3, subsection 3, paragraph i, Code 2011,
1 26 is amended to read as follows:

1 27 i. Evaluate existing and projected rates for use of the
1 28 system and ensure that rates are sufficient to pay for the
1 29 operation of the system excluding the cost of construction and
1 30 lease costs for Parts I, II, and III. The commission shall
1 31 establish all hourly rates to be charged to all authorized
1 32 users for the use of the network and shall consider all costs
1 33 of the network in establishing the rates. A fee established by
1 34 the commission to be charged to a hospital licensed pursuant
1 35 to chapter 135B, a physician clinic, a county, or the federal



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate Study Bill 1034 continued

2 1 government shall be at an appropriate rate so that, at a
2 2 minimum, there is no state subsidy related to the costs of the
2 3 connection or use of the network related to such user.
2 4 Sec. 3. Section 8D.13, subsection 2, paragraph c, Code 2011,
2 5 is amended to read as follows:
2 6 c. "Part III" means the communications connection between
2 7 the secondary switching centers and the agencies defined in
2 8 section 8D.2, subsections 4 and 5, excluding state agencies,
2 9 institutions under the control of the board of regents,
2 10 nonprofit institutions of higher education eligible for tuition
2 11 grants, and the judicial branch, judicial district departments
2 12 of correctional services, hospitals and physician clinics,
2 13 counties, agencies of the federal government, and post offices.
2 14 Sec. 4. Section 8D.13, subsection 15, Code 2011, is amended
2 15 to read as follows:
2 16 15. Access shall be offered to hospitals licensed pursuant
2 17 to chapter 135B and physician clinics for diagnostic, clinical,
2 18 consultative, data, and educational services for the purpose of
2 19 developing a comprehensive, statewide telemedicine
2 20 network~~;~~ to an agency of the federal government~~;~~ to a
2 21 county, and governmental units thereof as specified in
2 22 section 8D.2, subsection 5, paragraph "c"; and to a post
2 23 office defined as a public agency pursuant to section 8D.2,
2 24 subsection 5. A hospital, physician clinic, an agency of the
2 25 federal government, a county, or a post office defined as a
2 26 public agency pursuant to section 8D.2, subsection 5, shall be
2 27 responsible for all costs associated with becoming a part of
2 28 the network.

2 29 EXPLANATION

2 30 This bill expands the definition of a "public agency",
2 31 which is authorized to access the Iowa communications network,
2 32 to include counties and their governmental units such as
2 33 commissions, departments, and boards. The bill provides that
2 34 counties shall be responsible for all costs associated with
2 35 becoming a part of the network.

LSB 1825SC (4) 84

rn/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate Study Bill 1035

SENATE FILE
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL
BY CHAIRPERSON RAGAN)

A BILL FOR

1 An Act requiring hospitals and outpatient surgical facilities
2 to report data on the use of a registered nurse as a
3 circulating nurse during surgical procedures and including
4 effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1814XC (3) 84
jr/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2011

Senate Study Bill 1035 continued

PAG LIN

1 1 Section 1. NEW SECTION. 135.75A Data reporting on
1 2 circulating nurse in operating room.
1 3 1. a. A hospital or outpatient surgical facility, as
1 4 defined in section 135.61, shall keep written records regarding
1 5 the use of circulating nurses in each separate operating room
1 6 where surgery is being performed.
1 7 b. For purposes of this section, "circulating nurse" means
1 8 a registered nurse, qualified by training and experience
1 9 in operating room nursing, who is present in an operating
1 10 room where surgery is being performed for the duration of
1 11 the operative procedure. Instances of a circulating nurse
1 12 leaving the operating room as part of the operative procedure,
1 13 leaving the operating room for short periods or, in accordance
1 14 with employer rules or regulations, being relieved during an
1 15 operative procedure by another circulating nurse assigned to
1 16 continue the operative procedure shall not disqualify the nurse
1 17 from being a circulating nurse.
1 18 2. The data collected pursuant to subsection 1 shall be
1 19 made available to the public at least annually. A circulating
1 20 nurse shall assist the administration of the nurse's employing
1 21 facility in complying with this section.
1 22 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 23 immediate importance, takes effect upon enactment.

1 24 EXPLANATION

1 25 This bill requires the collection and public reporting
1 26 of patient safety data regarding hospitals' and outpatient
1 27 surgical facilities' use of a registered nurse in the role of
1 28 a circulator that is present to assure quality care of the
1 29 patient during surgery.

LSB 1814XC (3) 84

jr/nh